Education + Public Health (1945) Department.

Ms SERIES.

G.O. No. 3277 - P.H

2660.

Dated 19.12.45.

[Despatch Abstract.]

Licence - Mangalore Municipality - cashewnut-factory of Mizaan Krishna Annappa pai + co.
Orders passed -

Copy of G.O.No.1622 Public Health dated the 19th June 1945:-

Subject: Licence - Mangalore Municipality - Cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co., Nuisance caused by the working of - Inaction on the part of the Commissioner and Health Officer Orders issued.

Refce:- From Messrs. Chudappa, Sequeira, Badruddin of Boloor, Mangalore telegrams dated 7-4-45 and petition dated 30-4-45.
From Mr.C.L.Lobo, Vice Chairman, Municipal Council, Mangalore, letter dated 28th May 1945.
From the Director of Public Health, No.R.18870-Hyg-45-5 dated the 1st June 1945.
From the Commissioner, Mangalore Municipality, Mangalore No.C4. 9478/44 dated the 2nd June 1945.

Order:

The correspondence read above and especially the inspection notes of the Assistant Director of Public Health sent with the Director's letter read above, show that the cashewnut factory of Mizar Krishna Annappa Pai & Co., in R.S.Nos.71, 72 and 73 of Boloor village, Mangalore Municipality, has been working from April 1944 without a licence under section 249 of the Madras District Municipalities Act, that the processes carried on in the factory are a source of considerable nuisance to the residents of the locality, and that the conditions in which the factory is being run constitute a danger to the health of the factory workers and of the residents of the locality. In spite of the public agitation against the factory and the Municipal Council's resolution on the subject, the Govt. find that the Municipal Commissioner and the Municipal Health Officer took no action whatever to stop the nuisance caused by the factory. Effective steps should now be taken to put an end to the offensive operations carried on in the factory in question.

The Commissioner, Mangalore Municipality, is therefore directed to take immediate steps to prosecute the owners of the factory under section 313 of and schedule VII read with section 249 of the Madras District Municipalities Act 1920, and to continue the prosecutions until the processes in the factory which cause nuisance are entirely stopped.

A copy of the inspection report of the Assistant Director of Public Health is forwarded to the Commissioner. A licence should be issued to the owners of the factory only when all the defects pointed out by the Assistant Director of Public Health in his report have been rectified in the manner stated hy him.

P.T.O

2. The ~~Inspector of Municipal Councils and Local Boards~~ Director of Public Health is requested to obtain the ~~explanations~~ explanation of the ~~Commissioners concerned~~ Municipal Health Officer for their omission to take action in this regard and to submit ~~their~~ his explanations to Government with the ~~Inspector's~~ Director's remarks.

3. The Government note that there has been delay also in the office of the Director of Public Health as regards this matter.

4. The petitioners are referred to the Commissioner, Mangalore Municipality, for orders on their petition.

(By order of His Excellency the Governor.)

C.O.Coorey,
Deputy Secretary to Govt.

To the Commissioner, Mangalore Municipality, through the C.M.C. (with a copy of the ~~Rapaxx~~ A.D.P.H's report)
To the Inspector of Ml.Cls.& L.Boards, (--do--)
To the Director of Public Health,
To the Local Administration Department,
To Messrs Chudappa, Sequeira and Badruddin, Boloor village, Mangalore (para 4 only)
To Mr.C.L.Lobo, Vice President, Municipal Council Mangalore (para 4 only)

00404
30.6.45

Ex P 24

The Insp's & D.P.H's reports (para 2 of the order) may be awaited till 25.7.45.

US
30.6.45

2/7/45

Municipal Office, Mangalore,
Dated the 30th June 1945.

Very Urgent

Ref:C.No. C4/9478/44.

From

Sri B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to the Government of Madras,
Education and Public Health Department, M a d r a s,

Through

The Chairman, Municipal Council, Mangalore.

Sir,

Subject: Licence - Mangalore Municipality - Cashewnut Factory of Messrs Mijar Krishna Annappa Pai Co. Nuisance caused - Prosecution - Orders - solicited.

Ref:This office letter C4/9478-44, dated the 2nd June 45 and G.O.No.Ms 1622 Education & P.H. dated the 19th June 1945.

The G.O. quoted above requires that I should take immediate steps to prosecute the owners of the Factory under Section 313 and Schedule VII read with Section 249 of the Madras District Municipalities Act 1920 and to continue the prosecution until the processes in the factory which cause nuisance are entirely stopped. The factory has ceased to work from 2nd June 1945 and has not worked thereafter till date. I have taken steps however to prosecute the party for having worked the factory before 2nd June 1945 without obtaining licence. A charge-sheet has been prepared against the factory owner and has been sent to the Lawyer for approval.

Government in their G.O. read above having taken a serious view of the situation, I have acted on the presumption that I am required to prosecute the factory owner for past offence even though he has stopped working the factory from 2nd June 1945. I request to be kindly informed whether my presumption is correct. If my presumption is wrong, I will have to take timely steps not to file

p.t.o.

The prosecution after the papers are returned from the Standing Counsel with his scrutiny.

I solicit the favour of an urgent reply.

30/6

Commissioner.

F o r w a r d e d:

30.6.45

Chairman, M.C.,

Copy to - The Municipal Health Officer for information and guidance

H/30.6.45.

compd:- 30/6

Ref.C4-7054/45

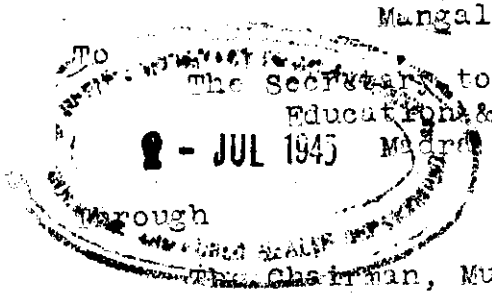
Municipal Office,
Mangalore, [redacted]-6-1945

From

Sri B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to Government,
Education & Public Health Department,
Madras.



Through

The Chairman, Municipal Council, 30080
Mangalore.

S i r,

Sub:Nuisance--Mangalore Municipality--Mizarkar's Cashe Nut Factory, Bolur--stopping of.

Ref:G.O.Ms. No.1622 P.H. dated 19-6-45.

*****

I beg to report for the kind information of Government that the factory in question stands closed from 2-6-45 and the nuisance complained of has not been existing from the said date onwards. A detailed report on the action taken immediately on receipt of the Inspection Notes of the Assistant Director of Public Health and the action that is being taken on the directions issued in the Government order will be submitted shortly.

29/6

Commissioner.

29.6.45

F o r w a r d e d.

29.6.45

Chairman, M.C.

PP3-4cf

From The Mun:L Comm:r Mangal.
Ref Dr. Cy - 9428-44 Dy 30/6

Memo No. 30040 A/45-1 H.P.II dated 5.7.45

Licence - Mangalore

Mfy - Government factory

The presumption contained in the 2nd para of the Comm:r's letter read above is correct.

Mun:L Comm:r
Mangalore
Rao Chn
5-7-45

Despd
K.M
5-7-45

Do

MB
4.7.45

CC
5/7/45

Note The report promised in the Comm:r's letter of 29.6.40 may be awaited (P

It is stated that the factories
has stopped working. It is likely
that when it may begin to
work again. Though the other
fire operations are stated to
have stopped, there seems to be
no sign to proceeding with the
prosecution so far as the part
offence is concerned ——.

Certainly:
He has committed
an offence & I do
not see why this
should be ignored.

Sd/ 5/11/45

From

J. A. Saldanha Esq., B.A., LL.B., Ex-M.L.C.,
Balmatta, Mangalore.

To

The Hon'ble Adviser to H.E. Governor in charge of Education, Public Health and Local Govt. Madras.

Sir,

Subject: - Cashewnut Factory of Messrs. Mizar Krishna Annappa Pai & Co., Boloor, Mangalore Municipality.

Reference: G.O.No.Ms.1622 dated 19-6-45, Government of Madras.

I have the honour to send herewith for favour of information and necessary action copies of the resolutions unanimously passed at a public meeting of the workers of the aforesaid cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co., Boloor, Mangalore Municipality and of the residents of the neighbouring villages, held at Urva, Mangalore Town on Sunday 1st July 1945.

Yours faithfully,

President of the Meeting

Mangalore,
D/- 2-7-1945.

SECRETARY, EDN. AND P. H. DEPT. 5 - JUL 1945 GOVERNMENT OF MADRAS

30694

From

J. A. Saldanha Esq., B.A., LL.B., L.T.,
Balmatta, Mangalore.

To

The Secretary to Government,
Education & Public Health,
Fort St. George, Madras.

30695

Sir,

Subject:- Cashewnut Factory of Messrs. Mizar Krishna Annappa Pai & Co., Bolour, Mangalore Municipality.

Reference: G.O.No.Ms.1622 dated 19-6-45, Government of Madras, Public Health.

I have the honour to send herewith for favour of information and necessary action copies of the resolutions unanimously passed at a public meeting of the workers of the aforesaid cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co., Bolour, Mangalore Municipality and of the residents of the neighbouring villages held at Urva, Mangalore Town on Sunday 1st July 1945.

Yours faithfully,

Mangalore,
D/- 2-7-1945.

I. This public meeting of the residents of Boloor, Urwa, Pentlandpetah and other neighbouring villages and of the workers of the Mizarkar's Cashewnut Factory of Boloor, Mangalore Municipality, records their sense of deep gratitude to the District Magistrate of South Kanara and the Government of Madras for the appropriate action they have taken in stopping all burning operations in the aforesaid Cashewnut Factory of Messrs.Mizar Krishna Annappa Pai & Co.,by Government Order No.Ms.1622, Public Health, dated 19-6-1945 in response to the agitation thereof of the neighbours, the Municipal Council and the public of this town.

II. This meeting further resolves to request the Government to adopt proper and suitable ways and measures to compel the owners of the said factory to rectify the defects and to expedite the improvements pointed out by the Asst. Director of Public Health, Madras, in his inspection report referred to in the above G.O.No.Ms.1622 P.H.dated 19-6-45.

III. This meeting also resolves to request the Government to see that adequate compensation be given by the owners of the said Cashewnut Factory to the workers for the involuntary unemployment during the period required for rectifying the defects and for carrying out the improvements suggested by the A.D.P.H.Madras, which the owners of the factory deliberately neglected in defiance of the timely instructions of the Municipal Council, Mangalore, and of the Labour Commissioner and Labour Conciliation Officer, Calicut.

IV. This meeting further resolves that the workers noted in the margin having been wrongfully dismissed from service by the owners of the aforesaid Cashewnut Factory for their agitation to organise the Cashewnut Workers' Union, should be re-instated with adequate compensation for the unemployment period.

1. Laxmi. 2 Appu. 3 Somu.
4. Janamma. 5 Seethu. 6 Rukma
7. Oovamma. 8 Venkamma.
9. Devandra Suvarna. 10.Obed Henry
11. Kanthappa Pujary. 12.B.Babu.
13. Parameshawara. 14. Jaru Pujary.

V. This meeting authorises the President of this meeting Mr.J.A.Saldanha, B.A.,LL.B.,Ex-M.L.C.,to forward the above resolutions to:

1. The Private Secretary to H.E.Governor of Madras,
2. The Chief Secretary to Govt.,Govt.of Madras,
3. The Secretary to Govt.Ed.& P.Health, Govt.of Madras.
4. The Director of Public Health,Madras.
5. The Inspector of Municipal Councils & Local Boards,Madras.
6. The Labour Commissioner, Madras.
7. The Labour Conciliation Officer,Calicut.
8. The Collector of South Kanara, Mangalore.

J. A. Saldanha

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3. The Secretary to Govt.Ed.& P.Health, Govt.of Madras.
4. The Director of Public Health,Madras.
5. The Inspector of Municipal Councils & Local Boards,Madras.
6. The Labour Commissioner, Madras.
7. The Labour Conciliation Officer,Calicut.
8. The Collector of South Kanara, Mangalore.

From

J. A. Saldanha Esq.,B.A.,LL.B.,Ex-M.L.C.,
Balmatta, Mangalore.

To The Chief Secretary to Government,
Fort St.George, Madras.

S i r,

Subject: - Cashewnut Factory of Messrs.Mizar Krishna Annappa Pai & Co.,Boloor, Mangalore Municipality.

Reference: G.O.No.Ms.1622 dated 19-6-45, Government of Madras, Public Health.

I have the honour to send herewith for favour of information and necessary action copies of the resolutions unanimously passed at a public meeting of the workers of the aforesaid cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co.,Boloor,Mangalore Municipality and of the residents of the neighbouring villages, held at Urva, Mangalore Town on Sunday 1st July 1945.

Yours faithfully,

Mangalore,
D/- 2-7-1945.

I. This public meeting of the residents of Boloor, Urwa, Pentlandpetah and other neighbouring villages and of the workers of the Mizarkar's Cashewnut Factory of Boloor, Mangalore Municipality, records their sense of deep gratitude to the District Magistrate of South Kanara and the Government of Madras for the appropriate action they have taken in stopping acid burning operations in the aforesaid Cashewnut Factory of Messrs.Mizar Krishna Annappa Pai & Co. by the Government Order No.Ms. 1622, Public Health, dated 19-6-1945 in response to the agitation thereof of the neighbours, the Municipal Council and the public of this town.

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3. The Secretary to Govt.Ed.& P.Health,Govt.of Madras.
4. The Director of Public Health,Madras.
5. The Inspector of Municipal Councils & Local Boards,Madras.
6. The Labour Commissioner,Madras.
7. The Labour Conciliation Officer,Calicut.
8. The Collector of South Kanara, Mangalore.

300604/45

~~final order have been issued in~~
~~the matter of~~ G.O. No. 1622 P.H
~~Orders~~ 19.6.45. at (A)

~~No action seems called for~~
~~by the Communications~~ ~~Dept~~ by Dept. of Public Health
~~pertaining~~
Reports from the SHB and
the DPH are being ~~awaited~~
awaited. Nos may be
awaited. A Copy of this letter has gone to
Labour & Education & Agriculture & Public Works
5/11/45

C.F. 32.

Local Administration - Department

From (Name) K.M.Unnithan Esq., I.C.S.

Designation Inspector of Ml. Councils and Local Boards,

Station Madras.

Received Registered

To 11 JUL 1945

The Secretary to Government,
Education & Public Health Department,
Fort St. George.

Enclosures: R.O.C. No. 16795/45-C2 dated 7th July 1945.

Sir,

Subject:- Licence - Municipal Council - Mangalore - Cashewnut factory of Mizar Krishna Annappa Pai Company - Nuisance caused by the working of - Inaction on the part of Commissioner and Health Officer.

P 918 (A) 3156/45

Ref:- G.O.No.Ms.1622 P.H., dated 19-6-1945.

...

I enclose a copy of the remarks of the Collector of South Kanara L.Dis.No.6648-45 dated 14-6-1945 on the letter of the Municipal Commissioner, Mangalore, No.C4-9478-44 dated 2-6-1945 on which Government have already passed orders in their order quoted above.

pp 57-76 (A)

2. I am taking necessary action on paragraph 2 of the G.O.

D. Subbarayaastri 9/7/45
for Inspector.

Copy of remarks L.Dis.No.6648-45 dated 14-6-1945 from the Collector, South Kanara.

Forwarded.

2. According to section 22 of the District Municipalities Act, the executive authority shall be bound to give effect to every resolution of the council unless such resolution is modified, suspended or cancelled by a controlling authority. In this case resolution No.38 was passed on 16-4-1945 and the resolution No.8 was passed on 7-5-1945. Both these resolutions have not been given effect to so far. If the Commissioner found that they we ULTRA VIRES or they exceeded the power of the council, he shou have taken prompt action for their cancellation or modification. His present report is belated. He seems to be under the impres sion that the duty of issuing licence to the factory is entirel the concern of the Municipal Health Officer. This does not appear correct. According to section 249(2) of the District Municipalities Act, the Commissioner is the proper authority to issue licences to run factories. No doubt in G.O.No.327 Educa and Public Health Department, dated 24-1-1941, this power has been delegated to the Municipal Health Officer, but this delegation is subject to the general control of the executive authority, i.e. Municipal Commissioner, and it does not affect the Commissioner's power of issuing licences. So, if the Municipal Health Officer had failed to issue a licence to the Mizarkar's factory in accordance with the desire of the Municipal Council, the Commissioner could have issued the same with such restrictions and conditions as were necessary if he was really anxious to remove the smoke nuisance. By not doing so, he made default in his duty and apparently he now wants to justify his action by putting all constructions and interpretation on the rules. The Director of Public Health, Madras, has since issued instructions with regard to the abatement of the nuisance caused by the factory and the Municipal Health Officer can have no excuse now for not enforcing the provisions of section 44 of the Public Health Act. In view of the report of the Assistant Director of Public Health, the extent of apathy of the Municipal Health Officer will be apparent.

It is a pity that he should have been a passive on-looker of the untold suffering of the residents of the locality though he could have mitigated it to a great extent by taking firm and prompt action under section 44 of the Public Health Act.

3. The matter had assumed grave proportions and was a public scandal. So, I had to interfere by asking the Police to move the Sub Divisional Magistrate, Mangalore, to take action under section 133 Cr.P.C. for the abatement of the smoke nuisance. The inaction of the Municipal Health Officer and the Municipal Commissioner has made it necessary to take the extreme action under the Criminal Procedure Code. This calls for a thorough investigation into the bona fides of the Officers.

L.P. 9-7-45.

17 JUL 1945

E&P.H.

H.

No action seems to be called for on the remarks of the Collector on the letter of the Commissioner ~~singa~~ orders have already been passed vide G.O. No. 1622 P.H. dated 19-6-45 at P. 91 (A). Reports from the DHB and the DPH, ~~are being expected. These~~ may be awaited till 25-7-45. The Collector's L.A. may see the Comm.r's observations regarding the Conduct —

12.7.45.

12/7/45

E&P.H. Dis. No. 30040A/45-2 H.P.H

12.7.45.

L.A.

14/7

32129

17 JUL 1945

may be passed as returned

E&P.H. No.

16.7.45

16/7/45

L.Dis. 17014-1A —

16.7.45

E&P.H. (H)

The Inspr's & the D.P.H. reports (para 2 of G.O. dt. 19.6.45) may be awaited till 25.7.45

17.7.45

18/7

Edward P.
H.

Memo. No. 30040A/45-3 H.P.H. dated 25-7-45

Sub:- Licence- Mangalore Municipality- cashewnut factory of Messrs. Mizar Krishna Annappa Pai Co.,- Nuisance caused by the working of- inaction on the part of the Commissioner and Health officer.

P-1 ante Ref:- G.O. No. 1622 P.H. dated 19.2.45

The attention of the Inspector of Ml. Chs. & Local Boards is invited to DPH.

P-2 ante & para 2 of G.O. No. 1622 P.H. dated 19.2.45 and he is requested to ~~submit~~ State when the explanations of the Commrs. concerned explanation of the Ml. Health Officer

~~along with his records will be~~ ~~submitted~~

submitted to Govt along with his records.

5/11/45

may be expected by Govt TO

with his remarks.

25.7.45

The DLB. ✓

The DPH. ✓

25/7/45

Deptd
K M
27-7-45

Rec No.C2-9478/44.

Municipal Office, Mangalore,
Dated the 21st July 1945.

From

Sri B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to the Government of Madras,
Education and Public Health Department, Madras,

Through

The Chairman, Municipal Council, Mangalore.

Sir,

Subject:- Licenses - Mangalore Municipality - Cashewnut factory of Messrs Mizar Krishna Annappa Pai & Co. - Nuisance caused by the working of - Detailed report of action taken - Submitted.

Reference:- 1) G.O.No. MS 1622 P. H., dated the 19th June 1945.
2) This Office Ref. No. C4/7054/45, dated the 29th June 1945.
3) Government Memorandum No. 30040 - A/45 dated the 5th July 1945.

****

In this office reference No.C4/7054/45, dated the 29th June 1945, I submitted a report to the Government stating that the Cashewnut factory of Messrs Mizar Krishna Annappa Pai & Co. stood closed from 2nd June 1945. A detailed report of the subsequent development is submitted below :

The inspection notes dated the 2nd June 1945 of the Assistant Director of Public Health, Madras, on the Cashewnut Factory of Messrs Mizar Krishna Annappa Pai & Co. was received by me on 3rd June 1945 night and I saw that action was taken by the Municipal Health Officer on 4th June 1945 itself. The Municipal Health Officer drew particular attention of the owners of the Factory to the condition laid down by the Assistant Director of Public Health in his inspection notes (copy of which was also communicated to the party) that the factory should not be licensed unless the gases are properly treated and rendered innocuous. From the moment, this communication was received on 4th June 1945, by the owners, the factory can be said to have been closed, as a result of the action taken by us and the receipt of the inspection notes of the Assistant Director of Public Health. The Government order Ms No. 1622 P. H., dated the 19th June 1945 was received by me on 20th June 1945 and immediately the Municip Health Officer was asked to report on the action taken by him on the remarks of the Assistant Director of Public Health. The Municipal Health Officer in reply to the above reference reported that the Factory stood closed from 2nd June 1945 and that the processes in the Factory which caused nuisance had ceased to exist since the date of closure. After getting my doubt, regarding the prosecution to be launched against the owners of the factory clarified by Government in their orders in Memo No. 30040-A/45 - 1- H. P. H., dated the 5th July 1945, I asked the Municipal Health Officer on 7th July 1945 to prosecute the owners of the factory immediately for the past offence. The charge sheet was approved by the Municipal Standing Counsel and the prosecution was launched by the Municipal Health Officer on 14th July 1945.

As regards sub paragraph (3) of paragraph 1 of the above G.O. I may submit that the question of granting licence to the factory i under correspondence by the Municipal Health Officer with the Director of Public Health, Madras. The party informed the Municipal Health Officer that he had fitted an exhaust apparatus to treat the gases so as to make them innocuous and that he proposes to use only fire-w as fuel till centrifugalisers are installed. He has separately addres the Director of Public Health in the matter. He has also furnished a certificate from the Industrial Engineer, Madras - copy enclosed to the centrifugalisers are not installed as suggested in the inspection notes of the Assistant Director of Public Health and so conditions referred to therein are not carried out, the

the Municipal Health Officer has addressed the Director of Public Health requesting instructions in the matter of granting license to the factory. I have also asked the Municipal Health Officer to inform me before final orders are issued on the subject.

23/7
Commissioner.

Forwarded:

23.7.45

Chairman, M.C.

compd. 23/7/45

Enclosure

During my inspection of the trial working of the cashewnut Factory of Messrs Mizar Krishna Annappa Pai & Co. Mangalore to day I observed that the oil fumes from the oil tank have been treated by being led into the furnace, burnt and discharged through the chimney. There was no irritating smell felt in the surrounding area, caused by the gases coming out of the chimney. I am therefore of opinion that the device adopted by the factory for treating the oil fumes from the oil tank has been successful.

As I have not previously visited the Factory and studied the conditions then prevailing, I am however, unable to give a comparative opinion as to the extent of the improvement thus effected

(sd) A. GOPALAN
INDUSTRIAL ENGINEER.
MADRAS.

/True Copy

Municipal Office, Mangalore
Dated the 21st July 1945

23/7
Commissioner.

H/23.7.45. 23/7/45

E & P.H
H

No action seems to be called for on this letter. The DPH and the IEB have been asked to submit the explanations of the M.H.O. and the commissioner concerned along with their remarks & ~~transfer~~ may be awaited till 12.8.45.

27.7.

27.7.45

Mangalore,
31st July, 1945.

From

Mizar Govinda Pai,
Merchant and Manager,
Mizar's Cashew Works,
Bunder, MANGALORE.

2 AUG 1945

34866

To

The Deputy Secretary to Government,
Education & Public Health Department,
Fort St. George, MADRAS.

Dear Sir,

pp 31-3 since

I am enclosing herein a printed pamphlet which has been widely circulated in this town by some interested persons. The pamphlet purports to reproduce G.O. No. MS.1622 Public Health dated 19-6-45. A Canarese translation thereof is printed on the reverse and there is an appeal to the general public to attend a public meeting convened for 1-7-45 to thank H.E. the Governor for the above G.O. Mr. C.L. Lobo described therein as "a distinguished lawyer and Vice-chairman of the Municipality" is to be the Chairman of the meeting. The appeal purports to have been issued by Messrs. A. Chudappa, John Sequeira and Adda Haji Badruddin.

P-1 ante

I was not able to find the G.O. published in the Fort St. George Gazette and I may not be wrong in presuming that persons responsible for publishing the pamphlet must have obtained the G.O. surreptitiously. I also reliably understand that G.O. was not even circulated among the Councillors.

The propaganda has been so very perfect that even the Municipal Council has not yet issued the licence for working my factory though the Industrial Engineer, Madras, has certified that the working of the factory is very satisfactory so long back as 18-6-45.

A confidential enquiry in this matter is likely to disclose several matters that led to the closing of the factory for such a long duration keeping out of employment over 1500 labourers.

Yours faithfully,

Mizar Govinda Pai

Government of Madras

ABSTRACT

Licence-Mangalore Municipality-Cashewnut factory of Messrs Mizar Krishna Annappa Pai Co., -Nuisance caused by the working of-inaction on the part of the Commissioner and Health Officer-orders issued.

Education and Public Health Department.

G. O. No. Ms. 1622 Public Health. Dated 19th June 1945.

Read the following:—

From

Messrs. Chudappa, Sequeira, Badruddin of Boloor, Mangalore.

Telegram dated 7th April 1945 and petition dated 30th April 1945.

From C. L. Lobo, Vice-Chairman, Municipal Council, Mangalore, letter dated 28th May 1945.

From The Director of Public Health No. R. 18870 Hyg. 45-5 dated 1st June 1945.

From The Commissioner, Mangalore Municipality, Mangalore, No. C. 4/9478/44 dated 2nd June 1945.

The correspondence read above and especially the inspection notes of the Assistant Director of Public Health sent with the Director's letter read above, show that the Cashewnut factory of Mizar Krishna Annappa Pai & Co., in R. S. Nos. 71, 72 and 73 of Boloor village, Mangalore Municipality has been working from April 1944 without a licence under Section 249 of the Madras District Municipalities Act, that the processes carried on in the factory are a source of considerable nuisance to the residents of the locality and that the conditions in which the factory is being run constitute a danger to the health of the factory workers and of the residents of the locality. In spite of the public agitation against the factory and the Municipal Council's resolutions on the subject, the Government find that the Municipal Commissioner and the Municipal Health Officer took no action whatever to stop the nuisance caused by the factory. Effective steps should now be taken to put an end to the offensive operations carried on in the factory in question.

The Commissioner, Mangalore Municipality, is therefore directed to take immediate steps to prosecute the owners of the factory under Section 313 and Schedule VII read with section 249 of the Madras District Municipalities Act 1920 and to continue the prosecutions until the processes in the factory which cause nuisance are entirely stopped.

A Copy of the inspection report of the Assistant Director of Public Health is forwarded to the Commissioner. A licence should be issued to the owners of the factory only when all the defects pointed out by the Assistant Director of Public Health in his report have been rectified in the manner stated by him.

2. Inspector of Municipal Councils and Local Boards

The Director of Public Health is requested to obtain explanation/explanations of the Commissioner concerned / Municipal Health Officer for their omission to take action in this regard and to submit their / his explanations to Government with the Inspector's/ Director's remark.

3. The Government note that there has been delay also in the office of the Director of Public Health as regards this matter.

4. The petitioners are refered to the Commissioner, Mangalore Municipality, for orders on their petition.

(By order of His Excellency the Governor)

(Sd.) **C. O. Coory,**
Deputy Secretary to Government.

S.S.P.M. 30-6-45—500

ಗವರ್ನ್‌ಮೆಂಟ್ ಆಫ್ ಮದ್ರಾಸ್

ಎಬ್‌ಸ್ಟ್ರೇಕ್ಟ್

ಲೈಸನ್ಸ್–ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿ– ಮಿಜಾರ್ ಕೃಷ್ಣ ಅಣ್ಣಪ್ಪ ಪೈ ಕಂಪೆನಿಯವರ ಗೇರುಬೀಜ ಕಾರ್ಖಾನೆ–ಕಾರ್ಖಾನೆ ನಡೆಸುವುದರಿಂದುಂಟಾಗುವ ನ್ಯೂಸೆನ್ಸ್–ಕಮಿಶನರ ಮತ್ತು ಹೆಲ್ತ್‌ಆಫೀಸರರ ತಾಟಸ್ಥ್ಯ–ಹುಕುಮು ಜ್ಯಾರಿ.

ವಿದ್ಯೆ ಮತ್ತು ಆರೋಗ್ಯ ಖಾತೆ

ಜಿ. ಒ. ನಂ. Ms 1622 ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ತಾ. 19ನೇ ಜೂನ್ 1945.

ಈ ಕೆಳಗಿನದು ಓದಲ್ಪಟ್ಟಿತು:

ಈ ಕೆಳಗಿನವರಿಂದ–ಬೋಳೂರು ಗ್ರಾಮದ ಮೆಸರ್ಸ್ ಚೂಡಪ್ಪ, ಸಿಕೇರ, ಬದ್ರುದ್ದಿನ್.

1945ನೇ ಎಪ್ರಿಲ್ ತಾ. 7ರ ತಂತಿ ಮತ್ತು 1945ನೇ ಎಪ್ರಿಲ್ ತಾ. 30ರ ಅರ್ಜಿ. **ಮಿ। ಸಿ. ಎಲ್. ಲೋಬೋ,** ವೈಸ್ ಚೇರ್‌ಮೆನ್, ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿ ಇವರ 1945ನೇ ಮೇ ತಾ. 28ರ ಪತ್ರ.

ನಂ. R. 18870 Hyg. 45–5, 1945ನೇ ಜೂನ್ ತಾ. 1ರ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಡೈರೆಕ್ಟರರ ಪತ್ರ.

ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಲ್ ಕಮಿಶನರ 1945ನೇ ಜೂನ್ ತಾ. 2ರ ನಂ. C. 4/9478/44ರ ಪತ್ರ.

ಹುಕುಮು

ಮೇಲಿನ ಪತ್ರವ್ಯವಹಾರವನ್ನು ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಡೈರೆಕ್ಟರರ ಪತ್ರದೊಂದಿಗೆ ಕಳುಹಿಸಿದ ಅಸಿಸ್ಟೆಂಟ್ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಡೈರೆಕ್ಟರರ ನೋಟ್ಸಿನೊಂದಿಗೆ ಓದಲಾಗಿ, ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯೊಳಗಣ ಬೋಳೂರು ಗ್ರಾಮದ R. S. ನಂಬ್ರ 71, 72 ಮತ್ತು 73ರಲ್ಲಿರುವ ಮಿಜಾರು ಕೃಷ್ಣ ಅಣ್ಣಪ್ಪ ಪೈ ಮತ್ತು ಕಂಪೆನಿಯವರ ಗೇರು ಬೀಜದ ಕಾರ್ಖಾನೆಯನ್ನು ಮದ್ರಾಸ್ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯುನಿಸಿಪಾಲಿಟೀಸ್ ಆಕ್ಟಿನ 249ನೇ ಸೆಕ್ಷನಿಗನುಸಾರವಾಗಿ ಲೈಸನ್ಸು ಪಡೆಯದೆನೇ 1944ನೇ ಇಸವಿ ಎಪ್ರಿಲ್ ತಿಂಗಳಿಂದ ಕೆಲಸಮಾಡುತ್ತದೆಂದೂ, ಆ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಕೆಲಸ ನಡೆಸಲ್ಪಡುವ ವಿಧಾನಗಳು ಕಾರ್ಖಾನೆಯ ಆಸುಪಾಸುಗಳಲ್ಲಿ ವಾಸಮಾಡುವವರಿಗೆ ಬೆಹಳ ಸಂಕಷ್ಟಗಳನ್ನುಂಟುಮಾಡುವಂತಹವಾಗಿವೆಯೆಂದೂ ಮತ್ತು ಕಾರ್ಖಾನೆಯನ್ನು ನಡೆಸುವ ವಿಧಾನಗಳಿಂದಾಗಿ ಕಾರ್ಖಾನೆಯ ಕೆಲಸಗಾರರ ಆರೋಗ್ಯಕ್ಕೂ ಆಸುಪಾಸುಗಳ ಜನರ ಆರೋಗ್ಯಕ್ಕೂ ಹಾನಿಕರವಾಗಿವೆಯೆಂಬುದನ್ನೂ ಸೂಚಿಸುತ್ತದೆ. ಕಾರ್ಖಾನೆಯ ವಿರುದ್ಧವಾಗಿ ಜನರ ಚಳವಳಿ, ಅದೇ ವಿಷಯದಲ್ಲಿ ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯ ತಠಾವುಗಳು—ಇದ್ದರೂ ಮ್ಯುನಿಸಿಪಲ್ ಕಮಿಶನರಾಗಲಿ, ಹೆಲ್ತ್‌ಆಫೀಸರರಾಗಲಿ ಯಾವ ಕಾರ್ಯಕ್ರಮವನ್ನೂ ಜ್ಯಾರಿ ಮಾಡಲಿಲ್ಲವೆಂದು ಸರಕಾರಕ್ಕೆ ತಿಳಿದು ಬಂದಿದೆ. ಸಂಬಂಧಪಟ್ಟ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ನಡೆಯುವ ಹಾನಿಕಾರಕವಾದ ರೀತಿಗಳನ್ನು ನಿಲ್ಲಿಸುವುದಕ್ಕೆ ಸರಿಯಾದ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಈಗ ಕೈಕೊಳ್ಳ ಬೇಕಾಗಿದೆ.

ಆದಕಾರಣ 1920ನೇ ಇಸವಿಯ ಮದ್ರಾಸ್ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯುನಿಸಿಪಾಲಿಟೀಸ್ ಆಕ್ಟಿನ 31ನೇ ಸೆಕ್ಷನ್, ಶೆಡ್ಯೂಲ್ VII ಮತ್ತು 249ನೇ ಸೆಕ್ಷನ್‌ಗಳಿಗನ್ವಯ ಕೂಡಲೆ ಕಾರ್ಖಾನೆಯ ಮ್ಹಾಲಕರನ್ನು ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡಬೇಕಾಗಿಯೂ, ಈ ನ್ಯೂಸೆನ್ಸ್‌ಗಳನ್ನುಂಟುಮಾಡುವ ಕಾರ್ಖಾನೆಯು ನ್ಯೂಸೆನ್ಸನ್ನುಂಟುಮಾಡುವ ವಿಧಗಳನ್ನು ಸಂಪೂರ್ಣ ನಿಲ್ಲಿಸುವ ವರೆಗೆ ಅವರನ್ನು ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡುತ್ತಿರಬೇಕೆಂದೂ ಕಮಿಶನರಿಗೆ ಆಜ್ಞೆ ಕೊಡುತ್ತದೆ.

ಅಸಿಸ್ಟೆಂಟ್ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಇವರ ವರದಿಯ ಪ್ರತಿಯೊಂದನ್ನು ಕಮಿಶನರಿಗೆ ಕಳುಹಿಸಲಾಗಿದೆ. ಅಸಿಸ್ಟಾಂಟ್ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಇವರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಸೂಚಿಸಿರುವ (ಹಾನಿಕಾರಕ) ವಿಧಾನಗಳನ್ನು ನಿಲ್ಲಿಸಿ, ಅವರ ಸೂಚನೆಯಂತೆ ಅವನ್ನು ಸರಿಪಡಿಸಿದ ಅನಂತರದಲ್ಲಿಯೇ ಕಾರ್ಖಾನೆ ಮ್ಹಾಲಕರಿಗೆ ಲೈಸೆನ್ಸನ್ನು ಕೊಡಬಹುದು.

(2) ಮ್ಯುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್ಸ್ ಮತ್ತು ಲೋಕಲ್ ಬೋರ್ಡುಗಳ ಇನ್ಸ್‌ಪೆಕ್ಟರರು/

ದಿ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಇವರು ವಿತಕ್ಕಾಗಿ ಈ ಬಾಬಿನಲ್ಲಿ ಕಾರ್ಯಕ್ರಮವನ್ನು ತೆಗೆದುಕೊಳ್ಳಲಿಲ್ಲ ಎಂಬ ಬಗ್ಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಮಿಶನರ/ಮ್ಯುನಿಸಿಪಲ್ ಹೆಲ್ತ್‌ಆಫೀಸರರ ಉದಾಹರಣೆ/ಉದಾಹರಣೆಗಳನ್ನು ಪಡೆದು ತನ್ನ/ತಮ್ಮ ಉದಾಹರಣೆಗಳನ್ನು ಇನ್ಸ್‌ಪೆಕ್ಟರರ/ಡೈರೆಕ್ಟರರ ರಿಮಾರ್ಕುಗಳೊಂದಿಗೆ ಕಳುಹಿಸಬೇಕೆಂದು ಕೇಳಿ ಕೊಳ್ಳಲ್ಪಟ್ಟಿದ್ದಾರೆ.

(3) ಈ ವಿಚಾರದಲ್ಲಿ ಡೈರೆಕ್ಟರರ ಆಫೀಸಿನಲ್ಲಿ ಕಾಲವಿಳಂಬವಾಗಿದೆಯೆಂಬುದು ಸರಕಾರದ ಅವಗಾಹನೆಗೆ ಬಂದಿದೆ.

(4) ತಮ್ಮ ಅರ್ಜಿಯ ಮೇಲಿನ ತೀರ್ಪಿಗೆ ಅರ್ಜಿದಾರರು ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯ ಕಮಿಶನರೊಡನೆ ಕೇಳಬೇಕು.

(ಮಾನ್ಯ ಗವರ್ನರ್ ದೊರೆಗಳ ಅಪ್ಪಣೆ ಪ್ರಕಾರ.)

(ಸಹಿ) ಸಿ. ಒ. ಕೂರಿ,
ಸರಕಾರದ ಡೆಪ್ಯುಟಿ ಸೆಕ್ರೆಟರಿ.

(ಯಥಾ ನಕಲು)

ಸಾರ್ವಜನಿಕರಲ್ಲಿ ವಿಜ್ಞಾಪನೆ.

ತಾ. 1—7—45ನೇ ಆದಿತ್ಯವಾರ ಅಪರಾಹ್ನ ಘಂಟೆ 6ಕ್ಕೆ ಉರ್ವ ಶ್ರೀಮತಿ ಲಕ್ಷ್ಮೀಬ್ಬಾಯಿಯವರ ಕಟ್ಟಡದ ಮಾಳಿಗೆಯಲ್ಲಿ ಮದ್ರಾಸ್ ಆಧಿಪತ್ಯದ ಗವರ್ನರ್ ದೊರೆಗಳು ನಮ್ಮ ಅರ್ಜಿಗೆ ಕೊಟ್ಟ ಹುಕುಮನ್ನು ಮಹಾಜನರಿಗೆ ವಿವರಿಸಿ, ಆ ಬಗ್ಗೆ ಮಾನ್ಯ ಗವರ್ನರ್ ದೊರೆಗಳವರಿಗೆ ನಮ್ಮಗಳ ಕೃತಜ್ಞತೆಯನ್ನು ಬಹಿರಂಗವಾಗಿ ಅರ್ಪಿಸುವರೆ, ಪ್ರಸಿದ್ಧ ವಕೀಲರೂ ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯ ವೈಸ್ ಚೇರ್‌ಮೇನರೂ ಆದ **ಶ್ರೀ। ಸಿ. ಎಲ್. ಲೋಬೊ** ಇವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಮಹಾಜನರ ಸಭೆಯನ್ನು ಜರಗಿಸಲು ನಿರ್ಧರಿಸಿದ್ದೇವೆ. ಮಹಾ ಜನರೆಲ್ಲರೂ ಸಕಾಲಕ್ಕೆ ಬಂದು ಸಹಕರಿಸಬೇಕಾಗಿ ವಿನಂತಿಸಿಕೊಳ್ಳುವ

ಎ. ಚೂಡಪ್ಪ,
ಕೆನರಾ ವಾಚ್ ವರ್ಕ್ಸ್.

ಜೋನ್ ಸಿಕೇರ,
ಮಗ್ಗದ ಕಾರ್ಖಾನೆಯ ಮ್ಹಾಲಕ.

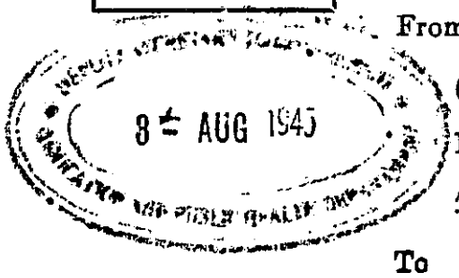
ಅದ್ದ ಹಾಜಿ ಬದ್ರುದ್ದೀನ್,
ಅಧ್ಯಕ್ಷ, ದಿ ಮುಸ್ಲಿಂ ಜನತಾ ಐಕ್ಯ ಸಂಘ, ರಿಜಿಸ್ಟರ್ಡ್.

C.F. 22.

Public Health DEPARTMENT.

In reply, please quote number, date and short title.*

*Received*_____ *Registered*_____



From (Name) Major J.H. Gorman, I.M.S.,

(Designation) Director of Public Health,

Post Box_____, (Station) Madras.,

*Telegraphic Address*_____

To

The Secretary to Government,
Education and Public Health Department, Madras.

3495A.

R. *No.* 18870-Hyg-45-1, *dated* 31st July 1945.

Sir,

Subject:- Licence - Mangalore Municipality - Cashewnut factory of Messrs. Mizar Krishna Annappa Pai Co.

Enclosure:_____

Ref:- Government Memo.No.30040-A-45-3 H.,P.H., dated 25-7-45.

Spare Copies_____

The explanation submitted by the Municipal Health Officer for the delay in taking action for issuing licence to this factory is herewith forwarded.

The last licence to the factory was issued on 23-6-43 by his predecessor specifying certain conditions noted in para 3. On 21-7-43, the proprietor applied for time till November 1943. to fulfil the conditions. The factory was inspected on 27-7-43 by my predecessor (Dr.Adiseshan), but there is no record of inspection notes having been issued. I however see that he has addressed a D.C. on 27-7-43 to the Sanitary Engineer suggesting a further joint inspection for designing a contrivance for subjecting the fumes to combustion. As a result of this correspondence it was decided to get the roaster devised and the subject was placed before the Public Health Board at its meeting on 8-11-43 and as per directions of the Board further correspondence was carried on with the Director of Public Health, Travancore and the Registrar of Co-operative Societies and finally the design for roaster was received from the Director of Industries on 4-7-45 and it will be placed before the Public Health Board at its next meeting

When it was learnt that the factory was working without a licence the Municipal Health Officer was informed that this was irregular and that grant of licence should not be delayed for want of design of the roaster. On this at least he should have taken action to issue the licence subject to conditions imposed by him as was done by his predecessor. Previously also the Commissioner of Mangalore Municipality was instructed as follows in R.No.35879-Hyg., dated 24-10-44 "that the design for the roaster is being tried by the Industrial Engineer and until that was approved and recommended for adoption the procedure previously employed may be continued", on his reference R.C.C.No. C4-7478/44 dated 4-10-44 requesting to inform what action has been taken in view of G.C.No.749, E.& F.H., dated 24-2-38.

P.T.O.

Again after the issue of definite instructions on the inspection notes of Assistant Director of Public Health (Vital Statistics) and G.O.No.1622-P.H., dated 14-2-45 also the Municipal Health Officer has not been reporting clearly whether the recommendations have been carried out as required by the Assistant Director of Public Health even though he was present at the time of the inspection, but has been quoting the report of the Industrial Engineer without offering his own opinion thereon.

Hence I have to say that his explanation is unsatisfactory and unconvincing. However, as the officer has been granted leave preparatory to retirement no action seems to be called for.

I may inform Government that I am deputing Dr. Perumal to inspect the factory and report if any relaxation may be made to enable the factory to obtain the licence and start working pending the completion of all the improvements suggested.

2.8.45.

~~Major~~ I.M.S.,
for Director of Public Health, Madras.

S.K.V. 1-8-45.

To

The Secretary to Government,
Education and Public Health,
Government of Madras,
Fort St.George, Madras.

18 AUG 1945

Subject:- Nuisance from Mizarkar's Cashew-factory.

35613

Humble representation submitted by
Sri A.Choodappa, Adda Hajee Badruddin,
John Sequeira and other residents of Boloor
Ward,-Mangalore-Town

Respected Sir,

All burning operations in the above factory had been completely stopped since the beginning of June last and we were relieved from the intolerable smoke nuisance that had been torturing us for the last several years.

Last Saturday (4-8-45) at about 10 A.M., suddenly the burning operations were started again in the factory. Smoke emanating from the factory spread all round the premises and the area round the factory up to a distance of about two furlongs. The burning operations continued for about 3 to 4 hours and from 10 A.M.,till about 3 P.M.,the whole neighbourhood was full of smoke, subjecting us to unbearable suffocation and cough just as before.

Later in the evening we learnt that the A.D.P.H had come to the factory on that day to test and see if the factory owners had done anything to abate the nuisance. In any event, the smoke nuisance was awful and the factory owners do not appear to have carried out effectively any of the improvements suggested by the A.D.P.H. and the G.O.1622 P.H.D/-19-6-45 to abate the nuisance.

PP 9192/(A)

We trust, hope and pray that Government will not allow the factory owners to start any burning operation again in the factory until the owners carry out and rectify fully the improvements suggested by the A.D.P.H.in every detail.

We beg to remain,

Your most obedient servants,

Mangalore,
D/-6-8-1945.

Copies submitted for information to:-

1. The Director of Public Health,Madras.
2. The Inspector of Municipal Councils & Local Boards, Madras.
3. The Industrial Engineer, Madras.
4. The Collector of South Kanara.
5. The Commissioner & Health Officer, Mangalore Municipality.

B. Shivappa.

ಅನುಮೋದಿಸಿದವರು.

K. Shivappa.

J. Narayana.

John Peter Vas

ಎ. ಶಂಕರಶೆಟ್ಟಿ.

Dalmeera,

Gopalkrishna.

P. Mahmad Ali

K. Kalappa

D. Ramappa

K. Choodalingae

From K.M.Unnithan Esq., I.C.S., 3569/1
Inspector of Ml.Cls.& Local Boards, Madras.

To The Secretary to Government,
Education & Public Health Department.

R.O.C.No. 16795/45-B3 dated 4-8-1945.

Sir,

Subject:- Licence - Mangalore Municipality - Cashewnut factory of Messrs.Nizar Krishna Annappa Pai & Co. - Nuisance caused by the working of - Inaction on the part of the Commissioner and Health Officer.

Ref:- Govt.Memo.No.30040-A-45-3-H.,P.H.,dated 25-7-45.

...

The Deputy Inspector, Western Range, Coimbatore has been instructed to cause a thorough investigation, apportion the responsibility of the Commissioners concerned, obtain their explanation and forward the same to me. I shall send my reply to Government on the receipt of his report.

D. Subbarayasastri
for Inspector

D.7.8-45.

300Q40/A/45

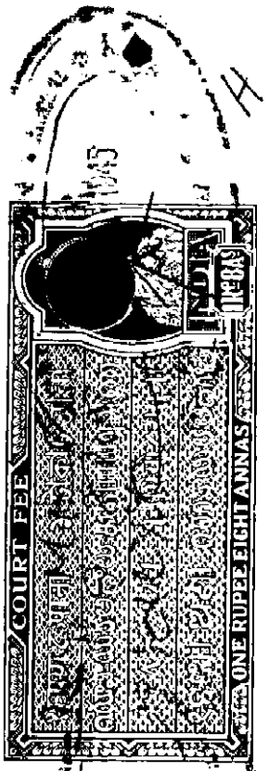
E & P.H

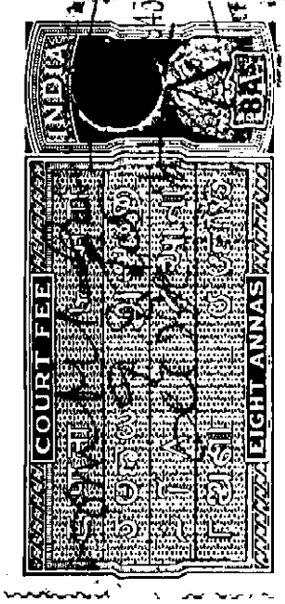
The Mahazar petition from the residents of Belour on pp 57-58 ante may be perused. No action seems called for on the petition. It seems from para 3 of the petition that the ADPH has inspected the factory ~~2nd~~ 1st & 2nd. ~~with~~ ~~Collr~~ will if necessary take action on ~~report~~ ~~it~~ ~~& may~~ make a report & orders may be awaited.

The inspectors reply to the memo at pp 25-26 ante may also be perused. His report may be awaited till 25-8-45

9/8/45

10/8/45





11 AUG 1945

BEFORE THE GOVERNMENT OF MADRAS,
PUBLIC HEALTH DEPARTMENT,
FORT ST. GEORGE,
MADRAS.

In the matter of District Municipalities Act S.249 and S.313.

In the matter of the Prosecution in B.C.C. 1607/1945 on the file of the First Class Bench of Magistrates, Mangalore town.

1. Mizar, Devadas Pai
2. Mizar Govinda Pai
sons of Mizar Annappa Anantha Pai — Petitioners.
merchants, Bunder, Mangalore.

Petitioners beg to state as follows:-

1. The Municipal Health Officer, Mangalore Municipality has filed a complaint against the petitioners in the Court of the First Class Bench of Magistrates, Mangalore for an offence under S.249 read with S.313 of the District Municipalities Act. The trail of the case has not yet commenced.

2. Petitioners beg to submit that their Cashew nut roasting factory at Urva Mangalore, is working since 1930 long before the Municipality limits were extended to its present limits.

3. Petitioners held a license from the District Board Mangalore and by its Memorandum L.Dis No.5035/43 dated 19-4-43, in reply to Petitioner's application for renewal of license, the District Board directed the petitioners to apply to the Commissioner, Mangalore Municipality by reason of the aforesaid fact, that the factory was included in Municipal limits with effect from 1-4-43.

4. Petitioners accordingly applied to the Municipal Counsil Mangalore on 30-4-43 and paid tax Rs.38-4-0 on 25-5-43 as directed by the Municipal Health officer, by his L.Dis. 2030+43 dated 17-5-43. As no further orders were communicated to the petitioners within 30 days petrs took it that their application had been granted as they were entitled to under S.321 (11) of District Municipalities Act.

5. The petitioners duly applied for a license for 1944-45 also, by payment of tax on 25-8-44 amounting to Rs.140-10-0 with an application of the date. The tax was accepted and no further orders were passed.

6. Petitioners applied for renewal of license for 1945-46 on 20-2-45 and paid Rs.157-8-0 as tax on 27-3-45. and were working their factory as usual.

7. Petitioners submit that at no time did the Municipality forbid them from working their factory except by letter C.No. 1392/45 dated 3-7-45 not to re-open the Factory until the license was issued.

8. Petitioners submit that the above letter was written when their factory was closed since 1-6-45 as per Magisterial orders but the proceedings befofe the Magistrate are being contested by petitioners, and a Jury has been empannelled to try whether the order of the Magistrate is just and proper.

9. Petitioners submit that it is very hard that they should be prosecuted under S.249 and S.313 of the District Municipalities Act when they have been applying for License and for renewal thereof and paying Linense fee year after year and there was no prohibition at any time by the Municipality for the working of the factory.

10. Petitioners therefore submit that the Government may be pleased -

(i) To direct the Health officer, Mangalore Municipality to apply for a stay of proceedings in B.C.C. 1607/1945 on the file of the First Class Bench of Magistrates, Mangalore Town pending final orders on this application and

(ii) After calling for a report from the Municipal Health officer, and perusing the relevent records, to direct withdrawal of prosecutions in the said case.

Mizar Devadasaian

Mangalore)
)
9-8-45.)

Mizar Devadasaian N

09004

V.E

13/8

Rc/721/Commr. 8/45.

Education & P.H. Secretariat
(H)

Endt. No. 30040A/H/45- Dated 13-8-45

Referred to the commissioner, Mangalore Municipality for very urgent remarks. ~~Urgent reports to be submitted through the Director of Public Health.~~

MBS
13/8/45

Clarence D'Souza
13/8/45

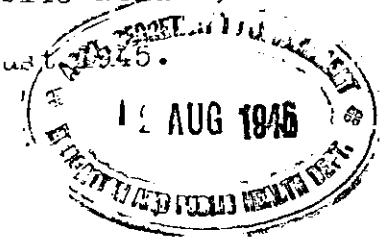
Deputy Secretary to Govt
MB
13.8.45.

To

The commissioner,
Mangalore Municipality
through C.I.E.
(with Rlc petition
in orgl to be
returned with reply)

3637 B

Office of the Director of Public Health,
Madras,
R.No.18870-Hyg.45-18 Dated the 10th. August 1945.



From
Major J.H.Gorman,I.M.S.,
Director of Public Health,Madras.

To
The Secretary to the Government of Madras,
Education and Public Health Department,Madras.

Sir,

Subject:-Licence - Mangalore M.T. - Mizar Krishna Annappa Rai Co.

Reference:-My letter R.No.18870-Hyg.45-17, dated 31st. July 1945.

In continuation of my letter quoted above, I am forwarding herewith a copy of the Inspection Notes of the Assistant Director of Public Health, Vital Statistics, Madras, and recommend that necessary instructions may be issued to the Commissioner. I however consider that the water-supply requires permanent improvement by the provision of an overhead tank, pump and taps for the workers and ensuring adequate supplies being available during the dry weather period.

11.8.45.

For Director of Public health,Madras.

Copy to the Secretary to the Government of Madras, Public Works Department, Madras, in continuation of my letter R.No.18870 Hyg.45-16, dated 31st. July1945, THROUGH THE COMMISSIONER OF LABOUR MADRAS.

T.M.P.11

Inspection Notes of the Assistant Director of Public Health, Vital Statistics, Madras.

I inspected the Cashewnut Factory of Mizar Krishna Annappa Pai, Mangalore, with the Municipal Commissioner between 10 A.M. and 12 Noon on the 4th. August 1945.

2. The factory had been closed from 2nd. June 1945 by an Injunction Order of the Sub-Divisional Magistrate, Mangalore, under Section 133 of the Criminal Procedure Code under the orders of the District Magistrate. The District Magistrate has reported this to the Director of Public Health in his letter B.4-4438-45, dated 13th. May 1945.

3. Special permission was therefore obtained from the Sub-Divisional Magistrate for working the factory for my inspection to-day.

4. At the time of my inspection, two roasting tanks were in operation with about 250 women coolies in the shelling department. The drying and peeling sections were not working since the factory started working only to-day, and roasted nuts were not ready for the latter operations. The feeding towers for the two tanks were charged and nuts were regularly fed to the roasting tanks. The owner claimed that the factory was working to the full capacity and yet there was not much of smoke or pungent fumes, either near the tanks or in other parts of the factory premises. There was however a certain amount of odour in the roasting shed, due to escape of gases from the crevices of the tank and from below the hood of the chimney. This may be got further reduced by widening the hood below the chimney and lowering it by 3 or 4 feet and by working the exhaust fans attached to the pipes provided for leading the irritating fumes from the roasting pans to the furnace. The Commissioner admitted that there has now been a considerable reduction in smoke and oil fumes. As Dr.Subbaraya Baliga has been relieved on 31st. July 1945, he was not with me at the inspection; but he informed me later when I met him that he found the fumes and smoke very much less than before when he inspected the factory in company with the Director of Industries and admitted having made the observations referred to in para. 7 of the letter of the Director of Industries, No.4706-A.45, dated 6th.July 1945.

Fuel used.-At ~~xxxxxx~~ first firewood was used as fuel and after sometime, I asked the proprietor to use cashe nut to see whether the smoke and fumes appreciably increased. I found that even then there was not much smell or irritation from fumes. It is not possible for me to say whether the improvement has been due entirely to the provision of the arrangements for burning the oil fumes from the roasting tanks or to any extent to the slow working of the plant also. Anyhow, if the shell ~~fuel~~ is replaced entirely or to a very large extent by wood fuel, the improvements to the chimney carried out, and the exhaust fans already installed brought into operation, I am

sure

sure that there will be very little nuisance caused by fumes and smoke.

I think therefore that the factory may now be allowed to work and its working watched. If it is found that the nuisance increases again to any appreciable extent, restrictions may be enforced on the quantity of nuts that should be roasted every day.

6. Shelling Section.- The owner has cemented the floor of some portions of the shelling section and is getting the remaining portions also cemented. He has also reduced the number of workmen, setting apart 36 sq. feet space for each worker in the shelling department, as against 20 sq. feet previously allowed (and approved by the Chief Inspector of Factories.).

7. Drying Section.-Since the factory has not been working, the floor was dry. All the four chimneys of this section have been raised by 8 feet each.

7. Tinning and Packing Sections.- Since the packing and tinning sections were not used for sometime, there is no debris here. There is also no smell from the treatment of plates with alum as no work is conducted. Though the fire place is not hooded as suggested, the owner has made certain improvements to the chimney and claims that there will be complete elimination of nuisance. This is to be watched in actual operation. He has to use wood as fuel for this fire place also. The Municipal Health Officer may suggest further improvements, if found necessary.

8. Water-supply.- There is at present a good supply of water in the well in the factory premises and there are a number of covered pots with taps for the use of the labourers.

9. Tiffin room.- A new room has been provided for theuse of the workmen. This is properly floored and adequately ventilated.

10. Latrines.-There are two sets of latrines, of 12 seats each for the use of labourers. They are of the dry hand removal type. Scavenger is employed and the latrines were found clean. It is desirable to replace these by flush-out latrines.

11. Improvements already carried out.-

(1) The oil fumes from the roasting tank are led to the furnace and burnt out. ~~Exhaust~~ Suction fans have been ~~installed~~ installed.

(2) The chimneys in the roasting section have been raised by 16 feet.

(3) The number of workers in the shelling section has been reduced so as to give an area of 36 sq. feet for each worker. The flooring of this section is cemented.

(4) The chimneys of the drying and peeling sections have been raised by 8 feet.

12. Improvements agreed to by the owner to be carried out, ~~within~~ in six months.

(1) Installation of exhaust fans at a height of 8 to 10 feet -

(a) five in the northern wall of the peeling sect on;

(b) Six in the northern wall of Shelling Section.
(c) Four in the southern wall of shelling section..

13. Conclusion.-

G.O.M.S.No.1622 P.H., dated 19th. June 1945 seems to have been misinterpreted by the Commissioner. He was asked to prosecute the owner until the processes causing the nuisance are stopped. He has prosecuted him for having run the factory previously without licence, even though he had stopped from 2nd. June 1945 under the orders of the Sub-Divisional Magistrate. The owner is facing two prosecutions even after closing down from 2nd. June 1945 upto date.

The Commissioner is also under the impression that the Government Order insists on the owner carrying out all the recommendations made by the Assistant Director of Public Health including those for which he recommended three to six months time, before grant of licence. This does not seem to be in order as they should be given adequate time as advised by the Assistant Director of Public Health. This may be clarified by a ref rence to Government, if necessary.

In the report of Dr.Thirumaliah, the addition of a centrifugal machine to remove the oil in the shells before use as fuel was advised as item 2. The factory owner expressed his difficulties in getting a machine of this type for sometime and requested permission to run the factory on wood fuel till such time. This may be allowed as the objection was due to the irritating oil fumes generated by the shells when used as fuel.

I am of opinion that licence may now be granted to the factory to work and six months' time allowed for installing the exhaust fans.

11.8.45

Assistant Director of Public Health, Madras

T.M.P.11

To

1. The District Magistrate & District Collector, S.Kanara,
2. The Sub-Divisional Magistrate, Mangalore,
3. The District Superintendent of Police, S.Kanara,
4. The Commissioner, Mangalore Municipality,
5. The Municipal Health Officer, Mangalore,
6. The Vice-Chairman, Mangalore Municipality,
7. The Inspector of Municipal Councils, Madras.
8. The Director of Public Health, Madras.
9. The Secretary to Govt., Edn & Public Health, Madras

21 AUG 1945

Humble petition from
(1) Sri A.Choodappa, Boloor, Mangalore Municipality,
(2) Adda Hajee Badruddin, Boloor, Mangalore.
(3) John Sequeira, Boloor, Mangalore Municipality.

37209

SUBJECT: Cashewnut Factory of Mizar Krishna Annappa Poi & Co - nuisance caused by the working of -

Respected Sirs,

1. To-day is Sunday and the whole British Empire is in the midst of the V.J.Day Celebrations. And yet we, your humble petitioners feel compelled to rush up to you with a grievance which deserves very urgent attention and immediate interference from Govt.

2. The above factory of Mizar Krishna Annappa Poi & Co.,was working from April 1944 without a licence from the Mangalore Municipality. The processes carried on in the factory were a source of unbearable nuisance to us and the other residents of the locality The conditions in which the factory was being run constituted a danger to the health of the factory workers and of the residents of the locality. In spite of the public agitation against the factory and the Municipal Council's resolutions the Municipal Commissioner and the Municipal Health Officer took no action whatsoever to stop the nuisance caused by the factory. We were therefore forced to appeal to the District Magistrate, and the Government of Madras for protection and relief.

3. The District Magistrate and the District Superintendent of Police realised the seriousness of the nuisance, the gravity of danger to public health and instituted Criminal proceedings under Sec.133 of the Criminal Pro.Code and by a conditional order from the Sub-Divisional Magistrate, Mangalore, all burning operations in the factory were stopped from the beginning of June 1945. The owners of the factory consented for an enquiry and S.D.M. summoned several witnesses including ourselves and the Labour Conciliation Officer, Calicut, to give evidence in the case.

4. In the meanwhile, on or about the 21st of May 1945,

the Assistant Director of Public Health (Vital Statistics) Madras, inspected the factory. On the inspection notes of the A.D.P.H. on the representation of the Vice-Chairman of the Municipality and on our petition dated 30-4-1945, and on telegram dated 7-4-1945, the Govt. of Madras, issued G.O.No.Ms.1622 Public Health dated 19-6-1945 ordering the Commissioner, Mangalore Municipality (1) to take effective steps to put an end to the offencive operations carried on in the factory, (2) to take immediate steps to prosecute the owners of the factory under Sec.313 and Schedule XII read with Sec.249 of the M.D.M.Act, and to continue the prosecutions until the processes in the factory which cause nuisance are entirely stopped and (3) to issue licence to the owners of the factory only when all the defects pointed out by the A.D.P.H. in his report have been rectified in the manner stated by him.

5. Thereafter the Commissioner of Mangalore Municipality gave the following endorsement to us:-

R.O.C.No.C2/9478/45 on our petition dated 20-4-1945 to Govt. regarding the nuisance:-

"Read G.O.Ms.No.1622 Edn & P.H.Dept. dated 19-6-1945.

The petitioners are informed that steps were taken to stop the nuisance caused due to the roasting of cashewnuts in the Mizarkar's Factory at Urva, and that the nuisance does not exist now".

6. After the issue of the aforesaid G.O. No.Ms.1622/P.H.19-6-1945, we were informed by the Sub-Divisional Magistrate, that we were no more required to give evidence in Court in the case under Sec.133 Cr.P.Code. We and the other residents believed that further proceedings would be dropped in view of the above G.O. on the subject.

7. But, we are shocked to learn that the proceedings are not dropped. The owners of the factory appear to have demanded a jury and have nominated two of their jurors. The Court has constituted a jury of five men to decide the case of nuisance under Sec.133 Cr.P.Code. During the last three days (Wednesday, Thursday, and Saturday) the jurymen are reported to be inspecting the factory at certain hours of the day. But the factory owners taking advantage of this opportunity and possibly at the instance of some of the jurors themselves, are working the factory desperately, the whole day, tormenting the whole locality with pungent and irritating fumes, smoke and soot. We are absolutely helpless.

8. We therefore approach you with the following submission (1) In view of the Govt's findings in the above G.O. No.Ms.1622/P.H.19-6-1945 about the ~~existence~~ evidence of nuisance there is no need at all to proceed further with the proceedings in the Criminal Court under Sec.133 Cr.P.Code, which were instituted in May'45, prior to the G.O. The Govt.having taken cognizance of the case in its G.O. and having issued definite orders on the nuisance, the proceedings under Sec.133 in the S.D.M's Court should be dropped (2) In accordance to the orders issued in the G.O.we understand that the Municipality has already launched prosecutions against the owners of the factory for running the factory without licence since 1944, and that the Municipality is not going to grant any licence to run the factory until all the defects pointed out by the A.D.P.H. are fully carried out and rectified in the manner pointed out by the A.D.P.H.and as ordered in the G.O. by Govt. Any proceedings now under Sec.133 in a Criminal Court are redundant and duplication of work and waste of the time of the Court, (3) Further, the opinion of the jurors, who are as usual, likely to be influenced by the wealthy and influential owners of the factory, is likely to go against the finding of the G.O. and may lead to serious complications and repurcussions, (4) when there are definite findings and orders from Govt.regarding the nuisance and when the owners of the factory are being prosecuted for running the factory without licence and when there is no chance of a licence being granted to them for running the factory until all the defects pointed out by the A.D.P.H.are fully carried out, it is unnecessary, rather risky to quote a vague verdict of a jury, who will be carried away by wealth and influence of the capitalists and who may not care for the public health of the poor rate-payers of the town.

In the above circumstances we appeal to you to interfere urgently and issue orders to stop all further proceedings in the Sub-Divisional Magistrate's Court, Mangalore, under Sec. 133 Cr.P.Code and to direct that the instructions issued in the above G.O.Ms.No.1622/Public Health/19-6-1945 should alone be complied with.

We beg to remain,
S i r,
Your most obedient servants,

Mangalore,)
D/-19-8-1945.)

Abdul Cadir
Abdul Cadir
+ thos. L. P. Inspr. of Shops
Segueira.

Read again

(55 S.H.P. dt 11.

Q. No. 1622 P.W. dy 19.6.45.

From Regd P.H. No. 18870- Hyg. 45;
18- dy 10.8.45.

p 61 y

Inspection Memo No. 30040(A) H/45-5 P.H dated 39.45

3/y

Licence: Mangalore Mfty - Cashew nut factory belonging to Mizar Krishna Annappa Pai & Co.

The Govt. cannot accept the recommendation contained in the Director's letter read above and the Assistant Director's inspection notes enclosed to it that the Commr. may be instructed to grant a licence

p 61 y

pages 63 to 67 y

for

for the Cashew-nut factory belonging to Mizan Krishna Annappa Pai Co- and that ~~some~~ time may be allowed to the Company for effecting improvements -

The Mun!. Comm^r. is requested to see that no fresh licence for the Cashew manufactory is issued until all the defects are rectified in the manner suggested by Rao Bahadur D^r. A. Thirumaliah, Ad. P. W. in his inspection notes dated the 29th May 1945 Communicated with G.O.No. 1622 P.W. Dy 19.6.45.

A|51-55 dy

A|91-92 dy

To
The Dy. P. W.
L
Mun.
Comm^r
Mangalore
thro' chn

Copy to the Collector of S. Kanara

Dep Pd
[illegible]
3.9.45

3/9/45

3.9.45

(57) Encl. 2

Very Urgent

Petition from Sri A. Choodappa and others Dt. 19.8.45.

Memo No. 30040(A) H/45 b.P.H dated 3.9.45

Nuisance - Mangalore - Cashew Nut factory - Prosecution under Sec 133 Cr.P.C

With reference to the petition read above a copy of which is stated to have been sent to him, the D.M is informed that, since the factory referred to is not working and since the orders issued by the Govt. in the matter will ensure that it will not

the necessary
not commence work in question till all improvements are effected
~~in order~~ to minimise
~~necessary for diminishing~~ the nuisance caused
by the factory, ~~as reported~~, there will be no
need to continue the proceedings instituted
under Sec 133 of the Cr. P. C.

The D.M. is requested to state whether
he agrees with this view and whether he
has any objection to these ~~prosecution~~ pro-
ceedings being dropped. If he sees no
objection to this course, he may take
immediate
steps to do so, and report the matter
to Govt.

Collector

To The D.M. South Kanara (Qtrs.)
Dorpd
KM
3-9-45

WB
3.9.45.

Endorsement No.C.4.2663/46 dated 22nd August 1946

i. Government confidential Endorsement No.6337-A/46 Public Works Department, dated 19-7-46.
ii. From the Collector of South Kanara to the Government Ref: B.4.6637-46 (confidential) dated 25-7-46.
iii. Endorsement of the Director of Public Health, Madras thereon, R.No.18870-Hy-46-18 dated 30-8-46 to
iv. From the Director of Public Health R.No.18870-Hy-46-18 dated 10-8-46 to Government in the Education and Public Health Department copy to Public Works Department.

3820

Forwarded. I support the recommendations of the Director of Public Health, Madras

2/8 Aug 1946

for Commissioner of Labour

To

The Secretary to Government, Public Works Department, Fort St. George, Madras.

Copy to the Secretary to Government, Education and Public Health Department with the enclosures in original.

R.No.1887-Hy-45-16

OFFICE OF THE COMMISSIONER OF LABOUR
8 AUG 1945
Forwarded.
MADRAS

Office of the Director of Public Health, Egmore, Madras.
Dated the 31st July 1945.

6.12

From the reports of the Municipal Health Officer and the Industrial Engineer and the Assistant Superintendent of Police as quoted by the Collector in his letter No. Ref. B-4-6647-45 dated 25-7-45 it is clear that all the conditions imposed in G.O.No.16622-P.H., dated 19-2-45 have not been carried out by the owners of Messrs.Mixar Krishna Annappa Pai &Co.,

3. I am however deputing one of my assistants to visit the place and report if any relaxation in the conditions imposed may be made in view of the improvements already carried out.

H.V.S/1-8. exd. For Director of Public Health, Madras.

To

The Secretary to Govt., Public Works Department, Madras.
thro' the Commissioner of Labour, Madras.

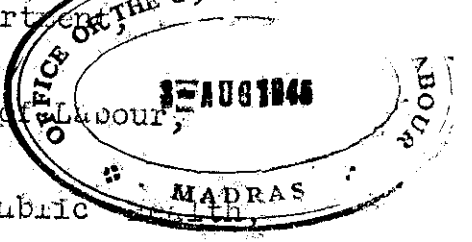
Very Urgent.
Rel.No.B4-0047-45(Confidential)

South Kanara Collector's Office
Mangalore dated 25-7-45.

68

Rao Bahadur Sri P.Ramadoss, B.A.
Collector of South Kanara.

To
The Secretary to Government,
Public Works Department,
Madras.
Through
The Commissioner of Labour,
Madras
and
The Director of Public Health,
Madras.



Sir,

Factories - Mizar Krishna Annappa Pai & Co. - Cashewnut factory, Mangalor - Closure - Re-opening - Remarks offered.

Ref: Endorsement No.6307-A/45-4 dated 19-7-45 from the Government, Public Works Department.

In G.O.No.mis.1622 Public Health dated 19-6-1945 the Government have ordered that a licence should be issued to the owners of the Mizarkar's Cashewnut factory only when all the defects, pointed out by the Assistant Director of Public Health in his report dated 28-5-45, have been rectified in the manner stated by him. From the report of the Industrial Engineer, Madras it is not possible to find out whether all the defects pointed out by the Assistant Director of Public Health have been fully rectified. This is a matter for further verification by the Health Department. The case instituted against the owners of the factory under section 133 Cr.P.C stands posted to 6-8-45 for consultation of the jury appointed under section 138(1)Cr.P.C. The Deputy Superintendent of Police, South Kanara who inspected the factory on 9-7-45 in connection with the petition filed by the owners before the Sub Divisional Magistrate, Mangalore for vacating the interim injunction pas on 1-6-45, reported on 11-7-45 that the defects pointed out by the Assista Director of Public Health had not been fully rectified. I have no further remarks to offer.

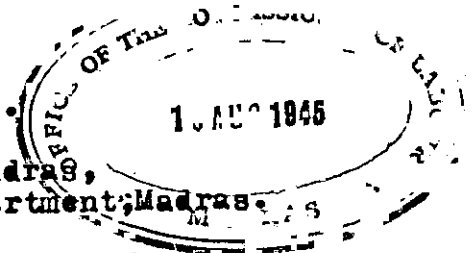
For Collector.

Copy submitted to the Secretary to Government, Public Works Department, Madras direct.

25-7-45

Office of the Director of Public Health,
Madras,

R.No.18870-Hyg.45-18 Dated the 10th. August 1945.



From

Major J.H.German,I.M.S.,
Director of Public Health,Madras.

To

The Secretary to the Government of Madras,
Education and Public Health Department,Madras.

Sir,

Subject:-Licence - Mangalore M.T. - Mizar Krishna Annappa Pai Co.

Reference:-My letter R.No.18870-Hyg.45-17, dated 31st. July 1945.

In continuation of my letter quoted above, I am forwarding herewith a copy of the Inspection Notes of the Assistant Director of Public Health, Vital Statistics, Madras, and recommend that necessary instructions may be issued to the Commissioner. I however consider that the water-supply requires permanent improvement by the provision of an overhead tank, pump and taps for the workers and ensuring adequate supplies being available during the dry weather period.

11-8-45

For Director of Public Health,Madras.

Copy to the Secretary to the Government of Madras, Public Works Department, Madras, in continuation of my letter R.No.18870-Hyg.45-16, dated 31st. July1945, THROUGH THE COMMISSIONER OF LABOUR MADRAS.

T.M.P.11

OFFICE OF THE ... 1945

Inspection notes of the Assistant Director of Public Health, Vital Statistics, Madras.

I inspected the Cashewnut Factory of Nizar Krishna Annappa Rai, Bangalore, with the Municipal Commissioner between 10 A.M. and 12 Noon on the 4th. August 1945.

2. The factory had been closed from 2nd. June 1945 by an Injunction Order of the Sub-Divisional Magistrate, Bangalore, under Section 133 of the Criminal Procedure Code under the orders of the District Magistrate. The District Magistrate has reported this to the Director of Public Health in his letter B.4-4438-45, dated 15th. May 1945.

3. Special permission was therefore obtained from the Sub-Divisional Magistrate for working the factory for my inspection to-day.

4. At the time of my inspection, two roasting tanks were in operation with about 250 women coolies in the shelling department. The drying and peeling sections were not working since the factory started working only to-day, and roasted nuts were not ready for the latter operations. The feeding towers for the two tanks were charged and nuts were regularly fed to roasting tanks. The owner claimed that the factory was working to full capacity and yet there was not much of smoke or fumes, either near the tanks or in other parts of the factory premises. There was however a certain amount of dense in the roasting shed, due to escape of gases from the crevices of the tank and from below the hood of the chimney. This may be got further reduced by widening the hood below the chimney and lowering it by 3 or 4 feet and by working the exhaust fan attached to the pipes provided for leading the irritating fumes from the roasting pans to the furnace. The Commissioner admitted that there has been a considerable reduction in smoke and oil fumes. As Dr.Subbaraya Baliga has been relieved on sick July 1945, he was not with me at the inspection but he informed me later when I met him that he found the factory emitting smoke very much less than before when he inspected it having made the observations referred to in [redacted] para 7 of the of the Director of Industries, No.4796 [redacted] dated 6th 1945.

Fuel used at [redacted] At first firewood was used and after sometime, I asked the proprietor to use coal to see whether the smoke and fumes appreciably increased found that even then there was not much smell or irritation from fumes. It is not possible for me to say whether the improvement [redacted] due entirely to the provision of the [redacted] the oil fumes from the roasting tanks any [redacted] slow working of the plant also. Anyhow the [redacted] caused entirely or to a very large extent, [redacted] arrangements to the chimney# carried out, [redacted] installed brought into operation, [redacted] sure

sure that there will be very little nuisance caused by fumes & smoke.

I think therefore that the factory may now be allowed to work and its working watched. If it is found that the nuisance increases again to any appreciable extent, restrictions may be enforced on the quantity of nuts that should be roasted every day.

5. Shelling Section.- The owner has cemented the floor of some portions of the shelling section and is getting the remaining portions also cemented. He has also reduced the number of workmen, setting apart 36 sq. feet space for each worker in the shelling department, as against 20 sq. feet previously allowed (and approved by the Chief Inspector of Factories.).

6. Drying Section.-Since the factory has not been working, the floor was dry. All the four chimneys of this section have been raise by 8 feet each.

7. Tinning and Packing Sections.- Since the packing and tinning sections were not used for sometime, there is no debrios here. There is also no smell from the treatment of plates with alum as no work is conducted. Though the fire place is not hooded as suggested, the owner has made certain improvements to the chimney and claims that there will be complete elimination of nuisance. This is to be watched in actual operation. He has to use wood as fuel for this fire place also. The Municipal Health Officer may suggest further improvements, if found necessary.

8. Water-supply.- There is at present a good supply of water in the well in the factory premises and there are a number of covered pots with taps for the use of the labourers.

9. Tiffin room.- A new room has been provided for theuse of the workmen. This is properly floored and adequately ventilated.

10. Latrines.-There are two sets of latrines, of 12 seats each for the use of labourers. They are of the dry hand removal type. A scavenger is employed and the latrines were found clean. It is desirable to replace these by flush-out latrines.

11. Improvements already carried out.-

(1) The oil fumes from the roasting tank are led to the furnace and burnt out. ~~Suction~~ Suction fans have been ~~installed~~ installed.

(2) The chimneys in the roasting section have been raised by 16 feet.

(3) The number of workers in the shelling section has been reduced so as to give an area of 36 sq. feet for each worker. The flooring of this section is cemented.

(4) The chimneys of the drying and peeling sections have been raised by 8 feet.

12. Improvements agreed to by the owner to be carried out, ~~in~~ in six months.

(1) Installation of exhaust fans at a height of 8 to 10 feet -

(a) Five in the northern wall of the peeling section;

(b) Six in the northern wall of shelling section.
(c) Four in the southern wall of shelling section.

13. Conclusion.-

G.O.M.S.No.1622 P.H., dated 19th. June 1945 seem to have misinterpreted by the Commissioner. He was asked to prosecute the owner until the processes causing the nuisance are stopped. He has prosecuted him for having run the factory previously without licence even though he had stopped from 2nd. June 1945 under the orders of the Sub-Divisional Magistrate. The owner is facing two prosecutions even after closing down from 2nd. June 1945 upto date.

The Commissioner is also under the impression that the above order insists on the owner carrying out all the recommendations made by the Assistant Director of Public Health including those for which he recommended them to six months time, before grant of licence. This does not seem to be in order as they should be given adequate time as advised by the Assistant Director of Public Health. This may be clarified by a reference to Government, if necessary.

In the report of Dr.Thirumaliah, the addition of a centrifugal machine to remove the oil in the shells before use as fuel was advised as item 2. The factory owner expressed his difficulties in getting a machine of this type for sometime and requested permission to run the factory on wood fuel till such time. This may be allowed as the objection was due to the irritating oil fumes generated by the shells when used as fuel.

I am of opinion that licence may now be granted to the factory to work and six months' time allowed for installing the exhaust fans.

11-8-45

Assistant Director of Public Health, Madurai.

T.M.P.13

300 40/A/45

E+P.H
H.

Action is being taken on the copy of the inspection notes of the A.D.P.H already sent to Govt May be added to the Main file on its return from A 2

29/8/45

30/8/45

N.Dis.9004/45.

2 AUG 1945

Resubmitted to the Secretary to Government, Education and Public Health Department, Madras.

2. The Mizarkar's Cashewnut Factory at Urva, is reported to be in existence since the year 1930. This factory was under the jurisdiction of the South Kanara District Board till 1943 and came within the municipal limits along with the extension in the year 1943.

3. The petitioners in paragraph 3 of their petition state that they hold a licence from the District Board. In this connexion, I may submit that in reply to a reference made by me, to the President, District Board, South Kanara, as to whether the above Factory owners held a licence from the District Board for the year 1942-43, he informed me that no licence was granted for the year 1942-43 as all the conditions were not satisfied. A copy of the letter L.Dis. 8832-45, dated the 16th May 1945 of the President, District Board, South Kanara, is enclosed.

4. The petitioners applied to the Municipal Health Officer on 25th May 1943 for licence for the year 1943-44 and the licence was granted to them on 14th June 1943 on certain conditions. The petitioners applied for time till November 1943 to carry out the conditions of the licence but their request was not complied with. On 31st July 1943 the Factory was inspected by the then Director of Public Health and he promised to send in his suggestions to mitigate the smoke nuisance. Hence the factory owners were informed by the Municipal Health Officer that the order refusing to grant them time to carry out the conditions of the licence would be held in abeyance. On a reference from my predecessor reminding him of the suggestions promised and requesting him to expedite them to enable him to mitigate the nuisance, the Director of Public Health, in his R. No. 27343-1-Hyg -43, dated the 2nd November 1943 - copy enclosed - informed that the subject would be placed before the Public Health Board Meeting and that their decision in the matter would be communicated. Again in reply to a further reference from this office, the Director of Public Health in his R.No. 35879-Hyg, dated the 20th October 1944, (copy enclosed) informed that the design of a cheap roaster was being tried experimentally by the Industrial Engineer and that until this was approved and recommended for adoption, the procedure previously employed might be continued.

5. The petitioners applied on 25th August 1944 to the Municipal Health Officer for licence for the year 1944-45. Licence for running electric motors was granted on 14th September 1944 and the petitioners were informed by the Municipal Health Officer that the question of granting licence for roasting cashewnuts would be considered after the receipt of the instructions from the Director of Public Health as regards the imposing of conditions.

6. The petitioners applied on 27th March 1945 to the Municipal Health Officer for licence for the year ~~1944-45~~ 1945-46 also, but the Municipal Health Officer could not pass definite orders, as he repeatedly stated, on their application, in view of the intervention of the Director of Public Health as explained in paragraph 4 above and as correspondence on the subject was going on between him and the Director of Public Health. These facts were submitted to Government in my R. O. C. No. C4/9478/44, dated the 2nd June 1945 but the Government in their order No.Miscellaneous 1622 Education and Public Health, dated the 19th June 1945 directed me to take immediate steps to prosecute the owners of the factory and to continue the prosecution until the processes in the Factory which caused the nuisance were entirely stopped. But the Factory was reported to have been closed since 2nd June 1945. A doubt arose, at the instance of the Municipal Health Officer, therefore, whether it could be the intention of the Government to prosecute the owners for the past offence. I made a reference to Government on this in my letter Roc No.C4/9478/44, dated the 30th June 1945 and from the reply of Government in their

Memorandum No. 30040-A/45-1-H. P. H., Education and Public Department dated the 5th July 1945, I found that the owners had to be prosecuted for the past offence. The orders of Government in G.O.No. MS 1622 P.H., dated the 19th June 1945 had, therefore, to be obeyed immediately. The Standing Counsel of the Municipal Council was expeditiously consulted, the charge sheet was got approved by him and the prosecution was filed by the Municipal Health Officer.

Municipal Office, Mangalore, }
Dated the 28th August 1945. }

28/8/45
Commissioner.

Forwarded:

28.8.45
Chairman, M.C.

Enclosures: 3, [illegible] original petition.

compa:

28/8/45

Copy of letter L.Dis.8882-45 dated the 16th May 1945
From - The President, District Board, South Kanara,
To the Commissioner, Mangalore Municipality.

Sub: Public Health - Cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co., Boloor - information sought for - furnished.
Ref: Your C.No.5374/C4/45 dated 3-5-45.

No licence for the year 1942-43 was granted to Messrs. Mizar Krishna Annappa Pai & Co., Boloor as all the conditions for the grant of licence were not satisfied by them.

(Sd) President Dt. Board ~~Office~~.

/True copy/

Municipal Office, Mangalore
Dated the 28th August, 1945.
R/28-8-45

Commissioner.

Compd: 28/8/45

Office of the Director of Public Health
Madras,
Dated the 2nd November 1943.

R.No.27343-1-Hyg-43

From

Rao Bahadur Dr.R.Adiseshan, L.MS., B.S.Sc., Dip Hyg. (Camb)
Director of Public Health Madras.

To

The Commissioner, Mangalore Municipality.

Sir,

Sub: Nuisance - Roasting of cashew-nuts - to mitigate nuisance -
Ref: your letter R.O.C.No.C4-12357-43 dated 13th October, 1943.

The subject in question will be placed before the Public Health Board meeting which is to be held on 8th November and their decision in the matter will be communicated to you in due course.

Sd. xxxxxxx
Director of Public Health.

Municipal Office,
Mangalore D/28-8-45
Compd:

/True copy/

Commissioner.

Office of the Director of Public Health
Madras,
Dated the 20th October 1944.

R.No.55679-H

From

Dr.R.M.Mathew, M.B.B.S., B.S.Sc., P.P.H.D.T.M.& H., M.R.C.P.,
Director of Public Health, Madras.

To

The Commissioner, Mangalore M.T.

Sir,

Ref: Your letter R.O.C.No.C.4/9478/44 dated 4th October,1944 regarding roasting of cashewnut.

Design of a cheap roaster is being tried experimentally by the Industrial Engineer. Until this is approved and recommended for adoption, the procedure previously employed may be continued.

Sd. xxxxxxxxx
For Director of Public Health Madras.

/True copy/

Commissioner.

Compd:
R/28-8-45

L.Dis.10153-45.

S. Kanara Collector's [illegible]
Mangalore, dated 5-9-45.

From
Rao Bahadur Sri P. Ramadoss, B.A.
Collector of South Kanara,
Mangalore.

To
The Secretary to Government
Public Health Department,
Madras.

Sir,

8 - SEP 1945

NUISANCE: Mangalore - Cashewnut factory of Messrs. Mizar Krishna Annappa Pai and Co. - prosecution under Section 133 Criminal Procedure Code.

Ref: Memorandum No.30040(A)H/45-6-PH. dated 5-9-45 from the Government, Public Health, Department, Madras.

The proceedings instituted against the firm under Section 13. Criminal procedure Code, were concluded on 24-8-1945. A copy of the final order passed by the Sub Divisional Magistrate, Mangalore is enclosed.

K. Shulaim Mahmood

For Collector,

3094.)

5.9.45

In the Court of the Sub Divisional Magistrate, Mangalore.
The 24th Day of August, 1945.
Present: Sri P.V. Madhava Rao, B.A.,
Sub Divisional Magistrate.

King Emperor (Represented by the Deputy Superintendent of police, Mangalore. | petitioner.

versus

1. Mizar Govinda Pai . . . Managing partner)
2. Mizar Devadas Pai) . . . partners of the firm of) Respondents.
3. Mizar Krishna Pai , . . Messrs. Mizar Krishna)
Annappa Pai & Co., Mangalore)

petition under Section 133 Cr. P.C.

O R D E R.

This is an application under Section 133 Cr.P.C. filed by the Deputy Superintendent of Police, Mangalore, against (1) Sri Mizar Govinda Pai, (2) Sri Mizar Devadasa Pai, and (3) Sri Mizar Krishna Pai - No.1 being the managing partner, and Nos. 2 and 3 being the partners of the firm 'Mizar Krishna Annappa Pai and Co.,' who are working a cashew roasting factory in Boloor, within the limits of Managing Mangalore Municipality. It is alleged in the application that this factory is situated in the midst of dwelling houses mostly of the depressed and other poorer classes, that as a result of the working of the factory, a pungent noxious smoke possessing an irritating smell and which is injurious to the health of the inhabitants of the locality is emitted by the low chimneys of the factory, and that several persons living in the locality had been subjected to suffering and discomfort as a result of this pungent smoke. It is further alleged that many representations were made to the authorities to stop this nuisance, but that it had no effect, that cashew shells are burnt in that factory as fuel, in connection with the burning operation and that it should be stopped forthwith in the interests of public health.

2. In view of this application, I served an order under Section 133 (1) Cr.P.C. on the three respondents, directing them to desist from carrying on the burning operations in the factory, and regulate them in such manners as would be directed hereafter by this Court after due enquiry. Again in view of the urgency of the matter, immediate measures were considered necessary to prevent danger to the public and therefore direction was ~~is~~ issued under Section 142 (1) Cr.P.C. not to carry on all burning operations pending the final determination of this matter by me. This order was served on the Respondents on 29-5-45. The respondents actively contested the matter in their statement dated 30-5-45. Subsequently, on the representation of the Respondents, I issued a further order under Section 142(1)Cr.P.C. permitting the working of the factory subject to the following conditions:-

(1) That they should use only firewood as fuel;
(2) That under no circumstances should cashew-shells be used for burning.
(3) That the height of all the chimneys should be raised to 25 ft. above the top of the roof of the factory buildings.

And it was further ordered that if the Court was satisfied that these conditions have been carried out, the factory would be permitted to work subject to their observance till the final determination of the matter.

3. On 5-7-45, Respondents claimed the appointment of a Jury under Section 135(b) Cr.P.C. to decide whether the order issued by me on 29-5-45 was reasonable and proper. Under Section 138(1)(a) Cr.P.C. Respondents nominated Sri K.B. Jinaraja Hegde, B.A., B.L., M.L.A., (Ca... and S. Nagarajiah, B.A., B.L., as two of the jurors. Under the same provision of law, I nominated Sri A.B. Shetty, M.L.A., Sri N. Rama Rao., B.A., B.L., and Khan Saheb Haji Syed Hussain Saheb, B.A., B.L., M.L.A., District Organizer, Field publicity organization. I nominated Sri A.B. Shetty the foreman. But subsequently, on the special representation of Sri Shetty complaining of some personal inconvenience, I deleted his name nominated in his place Sri P. Vyasa Rao, B.A., M.L., Retired District Munsif, Special I Class Magistrate, and Vice -president, I Class Small Cause Court, Mangalore as Juror and Foreman. On 13-8-45 all the Jurors met they were informed as to the matter in which their opinion was called and the foreman was requested to return the opinion of the Jury on 20-8-45. 20-8-45 being a holiday, the foreman of the Jury filed the

unanimous opinion of the Jury before me on 21-8-45. The foreman mentioned in the report that the Jurors visited the factory on four occasions, on 14-8-45, 15-8-45 16-8-45 and 18-8-45. He also reported that when cashew shells were used as fuel, there was plenty of irritating smell all round, and that when the factory was made to use firewood only as fuel, there was no such smell. After finishing the personal inspection, the Jury unanimously arrived at the following opinion:-

"the order of the Court passed should be modified so as to permit the Respondents to run the factory subject to the following conditions:-

(a) In all the burning operations inside the factory, only firewood should be used - cashew shells being strictly prohibited;

(b) the smoke and fumes during the frying proceds from the frying chamber should be completely controlled and should be led into the furnace to be burnt out".

4. I accept the opinion of the Jury under Section 139(1) Cr.P.C. and order that so far as this court is concerned, the factory will be allowed to work only subject to the strict observance of the two conditions mentioned by the Jury stated above. In view of this final determination of this matter, the orders passed by me on 29-5-45 and 1-6-45 are hereby withdrawn.

I however wish to make it clear that this order has nothing to do with the enforcement of the provisions of the Madras District Municipalities Act by the Mangalore Municipality or such further orders as the Government wish to pass in this matter.

Dictated to the shorthand writer, transcribed by him, corrected by me and delivered in open court.

(Sd.) P.V. Madhava Rao,
24-8-45.
Sub Divl. Magistrate.

/ True Copy /

K. Ghulam Rahimood

For Collector.

24.9.45

CONFIDENTIAL.

C.F. 32.

Local Administration Department

From (Name) K.P.Unnithan Esq., I.C.S.,

Designation Inspector of Ml. Councils and Local Boards,

Station Madras.

Received Registered

To

The Secretary to Government,
Education & Public Health Department
Fort St. George.

Enclosures:

R.C. No. 28007/45 dated 5th September 1945

Sir,

Suoject:- Licence - Mangalore Municipality - Cashewnut factory of Messrs.Mizar Krishna Annappa Pai & Co. - Nuisance.

Ref:- G.O.No.1622 P.H., dated 19-6-1945.

I invite your attention to the above G.O. and the correspondence leading thereto. Only paragraph 4 of the G.O. was communicated to Mr.Lobo, Vice-Chairman, Municipal Council and to Messrs. Sequeira, Chudappa and Badruddin. The Commissioner has written to me demi officially informing that Mr.Lobo obtained a full copy of the G.O. from him and that printed copies of it were subsequently distributed in the town. He suspects Mr.Lobo responsible for this publicity. I had the matter enquired into by the Deputy Inspector of Local Boards.

2. Mr.Lobo denies having communicated the full copy of the G.O. to the gentlemen who printed and published copies of it, but does not say who these are. But three names viz. Messrs. Chudappa, Badruddin and -- Sequeira are found printed in the notice relating to the public meeting held on 1-7-1945, on the reverse of which the G.O. is printed. These gentlemen have not been inquired by the Deputy Inspector.

3. The Deputy Inspector in his report discusses the question whether any action lies under the Official Secrets Act or Paper Control Order against the persons responsible for the printing and publication. I forward herewith copy of his report and copy of D.O. from the Commissioner together with the statement of Mr.Lobo, for such action, as Government may deem fit to take for unauthorised publication of the G.O.

4. The initial fault is, however, that of the Commissioner in furnishing a full copy of the G.O. to Mr.Lobo contrary to section 20(3) of the M.D.M. Act and rule 11 of schedule III thereto. I propose to take action against him after receipt of orders on this reference.

D. Subbanayasathi
for Inspector. 7.9.45

7.9.45

Copy of Confdl.D.O. dated 14th July 1945 from the Ml. Commissioner Mangalore.

I beg to bring to your kind notice and for such action as kindly deemed fit the following:

G.O.No.Ms.1622 P.H., dated 19-6-45 regarding the cashewnut factory of Messrs.Mizar Krishna Annappa Pai was received by me on 20-6-45 night. The very next day afternoon the Vice-Chairman Mr. C.L.Lobo suddenly stepped into my room when I was immersed in my work stating that he was coming from the Court work and very courteously requested me to send him a copy of the said G.O. for perusal and went away. As it is not a confidential communication and as it is a responsible official connected with the administration who asked for it, I thought it would not be proper to disoblige him and invite a conflict -- especially where I found no objection in compliance. However, I asked him to apply for it and send one copy and in the forwarding letter I definitely stated that it was for perusal and return. (I did not send the original as it was required for taking action.) On 29-6-45 the Vice-Chairman returned my forwarding letter stating that he wanted the copy for his own use and not for perusal and return. A couple of

days after this I learnt to my amazement that the said G.O. was got printed and distributed widely in the town and that a public meeting was also held presided over by the Vice-Chairman Mr. C.L.Lobo and organised by the complainants of the nuisance Messrs. Chudappa, Sequeira and Badruddin. I got in possession of this leaflet a couple of days ago with the G.O. printed on it in English and Kanarese and also the notice for the public meeting. I am submitting it herewith. Judging from the circumstances stated above I feel sure that it is only the Vice-Chairman who is responsible for all this publicity.

In conclusion I have to only submit that I could never think that a responsible official as the Vice-Chairman would put the copy of the G.O. he got possession of using his official position as vice-chairman to such an objectionable purpose. 91-92/(A)

Copy of D.O.No.2538-45-B dated 25-7-1945 from the Deputy Inspector of Local Boards, Western Range, Coimbatore.

Sub:- License - Mangalore M... ...hewnut factory of Messrs. Mizar Krishna Annappa Pai Co. - Nuisance caused by the working of - inaction on the part of the Commr. and Health Officer - G.O.No.1622 P.H., dated 19-6-45 - Unauthorised publication of. 91-92/(A)

With reference to the instructions given by you at the Shoranur Railway Station, I looked into the above question while at Mangalore on 21-7-45. The relevant facts are briefly as follows:

Mr. C.L.Lobo, the vice-Chairman of the Mangalore Municipality who got only para 4 of the above G.O. from the Government, obtained a full copy of the Government Order from the Municipal Commissioner on 24-6-45. He states that at the meeting of the Municipal Council held on 25-6-45 when the subject came up for discussion, he read out the G.O. at the meeting, that the copy of the G.O. was taken by other councillors for perusal at the meeting, that he did not get it back and that he did not give the full copy of the G.O. to the gentlemen who printed and published the G.O. in the town. I enclose herewith a copy of his letter. It is observed that a verbatim copy of the full G.O. and a Kanarese translation of it, together with an announcement that the matter would be considered at a public meeting on 1-7-45 have been printed and published in the town under the names of three persons, viz. Messrs. Chudappa, John Sequeria and Badruddin--please see the last portion of the Kanarese notice. These three persons are the same as those whose telegram dated 7-4-45 and letter dated 30-4-45 are read at the beginning of the G.O. These persons have to hold themselves responsible for the publication. 92/(A)

The points which arise for consideration are:

(1) whether the municipal commissioner was right in giving a copy of the Government Order to the Vice-Chairman.

(2) whether any action can be taken against the vice-Chairman either for allowing the copy to be published or for not taking proper care of the copy given to him.

(3) whether any action can be taken against the three persons who have unauthorisedly secured a full copy of the Government order and published it.

My remarks on these points are as follows:-

Item (1): The Vice-Chairman (and every councillor) is entitled to access to all records and as this Government order which is not marked confidential formed part of municipal records, the Commissioner could not have refused the Vice-Chairman access to the Government order. It would then be possible for the vice-Chairman to take a copy of the Government order. In the circumstances, I do not consider that the Commissioner committed an error in showing the Vice-Chairman the courtesy of having a copy typed for him in the office.

Item (2) in para 1 above: The Vice-Chairman (Mr. C.L.Lobo)

does not take responsibility for having given a copy of the Government order to those who published it and even if this is proved, there will be no question of action against him for the publication, as ~~three~~ persons take responsibility for it by printing their names at the end of the notice. A question of abetment of the offence may however arise, particularly as he presided over the meeting on 1-7-45 announced by the notice.

The facts which he admits are that he received a copy of the Government order and that he did not take proper care of it. There is nothing in the Madras District Municipalities Act which his action can be held to contravene. The case may technically fall within the scope of section 5 of the Indian Official Secrets Act, 1923, which deals among other things with a document given to a person in confidence taken proper care of. The weak point however is that the term "official secret" is not defined in the act and though provisions of section 5 of the Official Secrets Act, it may be held by the court to be a purely technical and trivial offence as the Government Order in question is not marked "Secret" or "confidential". On the whole I consider that it will be sufficient to inform V.V. J.L.Lobo, Vice-Chairman, demi-officially about the impropriety of his action of obtaining a full copy of the Government order from the Commissioner in confidence and not taking proper care of it. If it is considered necessary, legal opinion may be taken as to whether action can be taken successfully under section 5 of the Indian Official Secrets Act, 192 before deciding the matter finally.

4. Item (5) in para 1 above: Here again the question arises as to whether action can be taken successfully under section 5 of the Indian Official Secrets Act, 1923, for having secured a copy of the full Government order by improper means and it seems desirable

to take legal opinion before action is taken.

I considered the question the publication of the Government Order does not offend the Paper Control (Econom Order 1944. I enclose herewith extracts from the order of clauses under which the publication may fall. This case would fall under clause 11(c) but as this is subject to the provisions of clause 13 and as clause 13(1)(b) appears to exclude cases of hand bills not exceeding 50 lbs. I think the case may not be held to contravene the provisions of the Paper Control Order.

5. I may perhaps mention that the improper publication of paras 2 and 3 of the Government Order would not have occurred if these two paras had been omitted in the copy sent to the Commissioner through the Chairman and included only in the copies sent to the Inspector and the Director of Public Health. I have seen such a procedure followed in a few cases.

Copy of letter from Sri J.L.Lobo B.A.,B.T., Vice-Chairman, Mangalore Municipality to the Dy.Inspector, Western Range.

...

Ref:- Your letter dated 21-7-45.
G.C.No.1622 F.F., dated 19-6-45.

...

When I received the communication from Govt.about the G.O. I saw the Commissioner at the municipal office and asked him if I could get a copy. He gave the G.O. to me for perusal and asked me to apply officially for a copy. I wrote to him on 23-6-45 for a copy. I received a reply from him only on 29-6-45 in which it was stated that the copy applied for by me was sent along with it. But when I opened the letter I found that there was no copy of the G.O. I therefore returned the letter immediately with the bearer himself with my endorsement on the

reverse of the letter that no copy of the P.C. had been actually sent with the letter as stated in it.

On 24-8-45 or so the Commissioner had sent me a ~~--~~ bare copy of the P.C. At the municipal council meeting on 25-6-45 when Mr. Choodappa's registered notice of suit for damages against the council and the Commissioner came up for discussion there was a reference to the P.C. and the chairman was requested to get the P.C. to the council. It was sent for. I had the copy with me, given by the Commissioner and with the chairman's permission it was read out and discussed at the meeting. The Commissioner was also present. My copy which was on the table was taken away by ~~the~~ other councillors for perusal at the meetin and I did not receive it back. I did not give it to the gentlemen who printed and published copies of the same.

L.I.7-8-45.

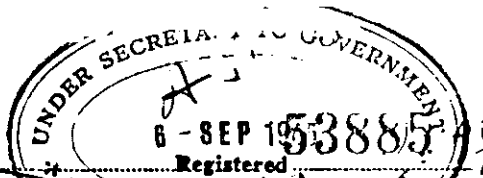
C.F. 32 (a).

Industries and Commerce Department

From (Name) A.Khaleeli Esq., I.C.S.,

Designation Director of Industries & Commerce, Chepauk,

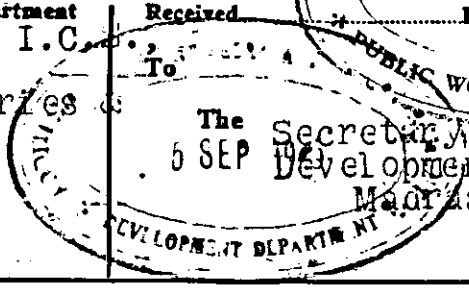
Station M a dr r as s.



53885 A5/45

To

The Secretary to Government,
Development Department,
Madras.



Enclosures :

No. 4796 AI/45. dated 3rd Sep. 1945

Sir,

Sub:-- Cashewnuts Roasting in the factory of M/s. Mizar Krishna Annappa Pai, Cashewnut factory.

Ref:-- My letter No. 4796 AI/45 dated 6th July 45.

I enclose a copy of a telegram received from Mizar Krishna Annappa Pai and co., and request that very early orders be passed in regard to the issue of a licence to the company.

For Director of Industries and Commerce.

Ds. 4/9.

P.W.D., W.O. in continuation of Dev. W.O. No. 53885 A5/45 dt 13.7.45

Dev. W.O. 53885 AI/45. 6.9.45.

Copy of telegram from M/s. Mizar Krishna Annappa Pai and Co., Mangalore City.

"Cashew works urva licence not granted by Municipality on ground smoke nuisance factory stopped work second June apparatus installed as per directions Assistant Director Public Health court proceedings dropped Directing use Firewood as fuel further withholding licence entails heavy loss to us and hardship. Labour contracts valued one half million held up kindly interfere induce Health department issue licence."

P.W.Dept.

There is a file on the subject in Edn. & P.H. ~~The subject may be transferred to them~~ This may perhaps be asked to submit the file for reference required

P.S. 7-9-45.

7.9.45

H.E. & P.H. is dealing with this case, the file may be transferred to E. & P.H.

Mangalore to H.E. & P.H.

X may be available informally

P.W.-2-6. 8666-A/45--1

7-9-45

M 1679 S/M
M. Dis. 6642/46.
1.7.3886

South Kanara Collectorate Office
Mangalore, 14th June, 1945.

Forwarded.

2. According to section 72 of the District Municipalities Act, the executive authority shall be bound to give effect to every resolution of the Council unless such resolution is modified, suspended or cancelled by a controlling authority. In this case, resolution No.33 was passed on 16-4-45 and the resolution No.81 was passed on 7-5-45. Both these resolutions have not been given effect to so far. If the Commissioner found that they were ultra vires or they exceeded the power of the Council, he should have taken prompt action for their cancellation or modification. His present report is belated. He seems to be under the impression that the duty of issuing licence to the factory is entirely the concern of the Municipal Health Officer. This does not appear correct. According to section 249(2) of the District Municipalities Act, the Commissioner is the proper authority to issue licences to run factories. No doubt in G.O.No.327, Education and Public Health Department, dated 24-1-1941, this power has been delegated to the Municipal Health Officer, but this delegation is subject to the general control of the executive authority, i.e., Municipal Commissioner, and it does not affect the Commissioner's power of issuing licences. So, if the Municipal Health Officer had failed to issue a licence to the Nizarkar's factory in accordance with the desire of the Municipal Council, the Commissioner could have issued the same with such restrictions and conditions as were necessary if he was really anxious to remove the smoke nuisance. By not doing so, he made default in his duty and apparently he now wants to justify his action by putting all constructions and interpretation on the rules. The Director of Public Health, Madras, has since issued instructions with regard to the abatement of the nuisance caused by the factory and the Municipal Health Officer can have no excuse now for not enforcing the provisions of section 44 of the Public Health Act. In view of the report of the Assistant Director of Public Health, the extent of apathy of the

Municipal Health Officer will be apparent. It is a pity that he should have been a passive on-looker of the untold suffering of the residents of the locality though he could have mitigated it to a great extent by taking firm and prompt action under section 44 of the Public Health Act.

3. The matter had assumed grave proportions and was a public scandal. So, I had to interfere by asking the Police to move the Sub-Divisional Magistrate, Mangalore, to take action under Section 133 Cr.P.C. for the abatement of the smoke nuisance. The inaction of the Municipal Health Officer and the Municipal Commissioner has made it necessary to take the extreme action under the Criminal Procedure Code. This calls for a thorough investigation into the bona fides of the Officers.

14.6.45

Collector.

VERY URGENT.

Ref:C.No.C4/9478/44. Municipal Office, Mangalore
Dated the 2nd June 1 9 4 5.

From

Sri B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to the Government of Madras,
Local Administration Department, M a d r a s,

Through

The Chairman, Municipal Council, Mangalore,
The Collector of South Kanara, Mangalore, and
The Inspector of Municipal Councils & Local Boards,
Record Office Buildings, Egmore, M a d r a s.

Sir,

Subject: Resolutions - Municipal Council - Carrying out - Instructions - Solicited.

Complaints were received, some of them of the nature of mass petitions, about smoke nuisance arising from the Cashewnut Factory of Mizarkar Company at Urva. Such complaints were also made to the Collector, the Inspector of Municipal councils and Local Boards and the Municipal Council, Mangalore. My remarks were called for by the Collector as well as the Inspector of Municipal councils and I offered them.

The Mizarkar's Factory came under the jurisdiction of the Council in 1943 with the extension of municipal limits. No licence for 1942-43 was granted to the Company by the District Board as all the conditions for the grant of licence were not fulfilled by them. During 1943-44 licence under Section 249 of the Madras District Municipalities Act was issued to it by the Municipality on the following conditions :-

1) All the chimneys where from smoke is made to diffuse at a height should be increased in height so as to be atleast 25 feet from the top of the roof.

2) All the fire places where from heat is generated should be fed only with firewood.

3) Under no circumstances cashewnut shells should be used for this purpose.

The Company asked for time till November 1943 to carry out the conditions but time was refused. Soon after this, Viz, in July 1943, the Director of Public Health visited the Factory and stated that he would send his suggestions to mitigate the nuisance and pending that to allow the existing arrangements to continue. The party was, therefore, informed by my predecessor while in additional charge of the Health Officer that pending receipt of suggestions from the Director of Public Health the office order refusing extension of time would be kept in abeyance.

During 1944-45 and 1945-46 the company worked the factory without licence and complaints began to pour in from neighbours complaining of smoke nuisance. The Municipal Health Officer stated that he could neither grant licence nor refuse it as he was expecting the suggestions of the Director of Public Health whom he reminded in the matter from time to time. The last reminder was on 6th April 1945. The Director of Public Health lastly in his lette dated the 11th April 1945 replied that the Industrial Engineer has not yet reported on the experiments with the new roaster. Until the design of a cheap roaster was approved and recommended for adoption he stated, that the procedure previously employed might be continued.

A petition of 18-10-1944 from Louis Sequeira complaining

of

or nuisance to the council was placed before the council with the remarks of the Municipal Health Officer and the Council referred the matter to a Committee. Meanwhile on 10th February 1945 one Sri A. Choodappa, a resident in the vicinity of the said Factory addressed the council (copy enclosed) complaining of the smoke nuisance. This petition was placed before the council which finally after elaborate discussions and after going through the relevant rules in its resolution No.38, dated the 16th April 1945 (copy enclosed) resolved that licence might be granted on certain conditions:-

The aforesaid resolution was communicated to the Municipal Health Officer on 17th April 1945 for necessary action. The Municipal Health Officer replied on 18th April 1945 that he had referred the resolution of the council to the Director of Public Health, Madras, for necessary instructions, as he felt doubts about the legality of the resolution and also seeking urgent instructions. A copy of his reference is enclosed.

An urgent meeting of the council was convened to appraise the council of the situation. The council which met on 23rd April 1945, after thrashing out the subject in detail and after going through the rules and sections of the Madras District Municipalities Act and Public Health Act and hearing the Municipal Health Officer and Commissioner in the matter considered the resolution moved by the Vice-Chairman in the matter. This resolution was, however, lost. (Copy enclosed).

On 7th May 1945 the Vice-Chairman brought in an another resolution and the council, after much debate and weighing all sides of the question and giving a hearing to the Municipal Health Officer, who again explained the legal points and emphasised his inability to carry out the resolution without instructions from his superior, the Director of Public Health, carried the resolution by a majority. (Copy enclosed.)

This resolution was communicated to the Municipal Health Officer on 8th May 1945 for immediate necessary action and report. The Health Officer, however, without carrying out the resolution addressed the Director of Public Health with a copy of the resolution and replied that he was awaiting instructions from that Officer to give effect to the council resolution in question. A copy of this reference is enclosed.

I was convinced that the resolution was not legally passed. To make sure I referred the whole question to the Legal Advisor of the council.

The Legal Advisor opined that the council had no power to issue licence under Section 249 of the Madras District Municipalities Act and much less to impose conditions for issue of licence except on appeal. He stated that the petition dated the 8th February 1945 of Sri A. Choodappa, copy enclosed, which was placed before the council was not in the nature of an appea as there was neither a grant nor refusal of the license to the Company from the Executive in the first instance. He also stated that the council had no power to appoint committee to inspect the Factory. He referred to the wording of the council resolution No.81 dated the 7th May 1945 and stated that under Section 251 of the Madras District Municipalities Act, so far, as the smoke nuisance is concerned the municipal council can at most prohibit the use of the particular kind of fuel employed, namely, cashewnut shells and that the council has no power to direct the stopping of all burning operations. Further this resolution No.81 dated the 7th May 1945 which purports to may, cancel resolution No.38 dated the 16th April 1945 was passed

contrary to the instructions laid down in Rule 8 of Schedule III of the Madras District Municipalities Act and within three months after the passing of the first resolution.

The smoke nuisance is admitted on all hands to be real and the neighbours, some of whom are reported to be asthamatic require speedy relief. I had inspected the Factory along with the Municipal Health Officer and had found that the use of cashewnut shells in the burning operation gives rise to offensive and irritating smoke which spreads in the neighbourhood and enters into dwelling houses some of which are within 200 yards of the Factory. I, therefore, on 19th April 1945 requested the Inspector of Municipal Councils to move the Director of Public Health, if considered advisable, in the matter and requested the Director of Public Health to expedite the issue of necessary instructions to the Municipal Health Officer. I addressed the Director of Public Health also on 23rd April 1945 and 8th May 1945 requesting to expedite matters and issue speedy instructions to the Municipal Health Officer in the matter and wired to him also on 8th May 1945 to expedite. In response the Director of Public Health as already stated deputed one of the Assistant Directors of Public Health in the last week of April 1945. He inspected this Mizarkar's Factory and other Factories in the town and promised to send his suggestions within a few days. I pressed on him during his stay here to settle the matter expeditiously and after his departure I wrote a D.O. letter to him on 28th May 1945 reminding him about the matter.

As far as the resolution No.81 dated the 7th May 1945 is concerned, it is clear that it is not legally passed and hence the Executive is not in a position to give affect to it. But there is nuisance and it has to be mitigated soon and the object of the resolution is also this. I, therefore, did all that I could do to carry out the spirit of the resolution taking the action detailed in the foregoing paragraph. I cannot help submitting here that the non-receipt for over one and a half years of instructions till to-day from the Director of Public Health as to the course to be adopted is placing the Municipal authorities in difficult predicament, as the latter are forced to be passive spectators of a nuisance of which they are convinced. Of course, the Director of Public Health may have his own difficulties.

As regards the action to be taken with regard to the letter of the said resolution No.81 dated the 7th May 1945 not legally passed, I obtained legal opinion and it was received on 20th April 1945. From 20th April to 23rd April 1945 I was busy with the Assistant Director of Public Health accompanying him in his inspections. Meanwhile, I was also considering as to the course to be taken and one day as I was conversing with the Chairman in the office a few Councillors joined us and discussion on this question ensued. Some of them felt that it would be advisable for me to bring the matter to the notice of the council for reconsidering the question. I also felt that to avoid misunderstandings and in the interest of smooth relations I might not rush on and approach the Government for cancelling the resolution not legally passed under Section 36(1) of the Madras District Municipalities Act, especially also as I took charge of the Municipal Administration only a few months ago. However, I could not get an opportunity for this as the council adjourned twice, once on 21st May 1945, and again on 28th May 1945 for want of quorum. However, in the Meeting held on 31st May 1945 in connexion with a notice (copy enclosed) received from Sri A.Choodappa threatening legal proceedings placed before the council and at the instance of the Chairman a discussion ensued and several of the members did not appear to be inclined to reconsider the position they had taken. I am, therefore left with no option except to approach the Government thus. I now request that the Government may be pleased to pass such orders as kindly deemed fit on this resolution No.81 dated 7th May 1945 not legally passed.

I also

I also request in this connexion kindly to be enlightened on the implications of the expression used in G.O.No. 327 P.H., dated the 24th January 1941 that "the Executive Authority and the Health Officer are to exercise their powers concurrently and where the Health Officer exercises his powers he has to do so under the general control of the Executive Authority". I requested to be informed for my guidance whether by the expression "concurrently" is meant that we should do so consulting each other, and whether by the expression "general control of the Executive Authority" is meant that the Executive Authority can veto the decision of the Health Officer if he differs from the latter, and act at his own discretion even though powers are delegated to the Health Officer by the Government in the said order, if not to whom a reference should be made if the Executive authority differs from the Health Officer on any public health matter. I request also kindly to be enlightened if Section 251 of the Madras District Municipalities Act which gives powers to the council to give direction to abate nuisances is superseded by section 44 of the Public Health Act which gives power to the Health Officer to abate nuisances; if not, whether both the council and the Municipal Health Officer can simultaneously exercise power on the same subject, Viz, mitigation of nuisances.

Commissioner.

2-6-45

Forwarded:

4-6-45

Chairman, M.C.

Copy submitted to:

The Secretary to the Government of Madras, Local Administration Department, Madras direct to save delay.

Copy of letter dated the 8th February 1945 from Mr. A.Choodappa Proprietor, Kanara Watch works, Hampankatta, Mangalore, To the Commissioner, Chairman, Mangalore Municipality, Mangalore.

The suffocating, cloudy and densitive unbearable smoke nuisance from the unlicensed Mizarkar's Cashewnut factory at Boloor has again begun from 3rd February 1945. We the inhabitants of the locality are again suffering from the said nuisance emanating from the factory. Several of our representations sent to the authorities have been bottled up and no action has been taken and the nuisance has been allowed to continue. Several officers of the Public Health Department including the present Director of Public Health and his assistants have inspected the factory and nothing tangible have been done.

Now we report to you under section 43 of the Madras Public Health Act

Health Act, of 1939 of this nuisance and request you as the Chairman of the Mangalore Local Authority to get this nuisance ascertained under Section 42(a) of the said Act and enforce the provisions of section 42(b) and request the Municipal Health Officer to take action under section 44 and if the company does not abate the nuisance we request you to take action under section 45 of the said Act.

We earnestly hope that you would comply with our request.

(i) Copy to the Director of Public Health, Madras.

(sd) A. Choodappa.

/True copy/

Commissioner.

Municipal Office, Mangalore,)
Dated the 2nd June 1 9 4 5.)

M/2.6.45. compd:- 6
2-6-45

Extract from the proceedings of the Mangalore Municipal Council, dated the 16th April 1945.

x x x

Resolution No.38. Read petition dated the 8th February 1945 from Sri A. Choodappa, Proprietor, Canara Watch works, Hampankatta, Mangalore, regarding the smoke nuisance caused due to the roasting of cashew nut in the Mijarkar's Factory at Urva with the remarks of the Municipal Health Officer thereon.

After considerable discussion in the matter Mr. C. L. Lobo proposed and Mr. Shanker Alva seconded the following resolution :-

That this council resolves that a license to Messrs Mijarkar's Cashew Factory for 1945-46 may begranted only on the following conditions :-

1) That they should use fire-wood for fuel.

2) That the height of the chimnies should be at least 25 ft above the top of the roof.

3) That the chiminies should be without a cap.

4) Under no circumstances cashew shells should be used for this purpose.

The Director of Public Health also may be addressed in this matter

The following

The following members are added to the committee appointed as per council's resolution No.43. dated the 6th November 1944.

Messrs J.S.Suvarna, M. Mukunda Nayak and B. Gangadhar Das.

The committee or any member thereof is authorised to inspect the Factory whenever necessary.

CARRIED UNANIMOUSLY.

x x x

(sd) H. Hoosien Saheb
Chairman, M.C.

/True Extract/

Municipal Office, Mangalore,
Dated the 2nd June 1945.

Commissioner.

compd:

H/2.6.45.

Copy of letter C.No. 1642/45, dated the 18th April 1945 from the Municipal Health Officer, Mangalore, to the Directorof Public Health. Madras. -

==========

Subject: Mizarkar's Cashew nut factory - grant of licence. instructions solicited.

==========

The proprietor of the above factory has applied for licence for the current year. In view of the complaints received regarding smoke nuisance from this factory the Commissioner and myself held a joint inspection of the factory and had a talk with the proprietor regarding the mitigation of smoke nuisance. He has informally agreed to raise the height of the roaster chimnie by one more piece i.e. about 5 feet. We also tried to persuade him to use firewood instead of cashew shells for the furnaces. But o account of the scarcity of firewood in these days he pleaded that h may be given time for this and said that he would apply to the Collector for a permit for firewood and that he would use it to the extent he gets the permit. In view of the instructions contained in letter No. 35879-Hyg dated the 20th October 1944 of the Director of Public Health, Madras, this is the utmost we could do to mitigate the nuisance complained of.

The nuisance complained of is of the kind contemplated by Section 41 of the Public Health Act. Under Section 44 of the Public Health Act certain powers are given to the Health Officer to abate the nuisance if he is satisfied of the existence of a nuisance and if in exercise of the power vested in him the Health Officer issues the notice contamplated by that section and if there be default even thereafter or if in the opinion of the local authority the nuisance is likely to recur on the same premises, certain powers are given to the local authority to abate the nuisance. Section 48 of the Public Health Act provides for entry and inspection of any premises for the purpose of enforcing any of the provisions contained in chapter VI of the Public Health Act. Finally section 49 of the Public Health Act provides for the contingency of any default on the part of any local authority or its Health Officer in discharging its or his duty under the Public Health Act.

So far as the District Municipalities Act is concerned Section 251 provides for issue of directions for the abatement of nuisance and section 252 gives power to the local Government to pass orders or issue directions to Municipal council in this behalf.

I also invite attention to Section 144 of the Public Health Act which provides that if there be any repugnancy between any of the provisions of the Public Health Act relating to Public Health and any other enactment in force in the Province of Madras, the provisions of the Public Health Act shall prevail and the provisions of any other enactment to the extent of the repugnancy shall be void.

I submit that these provisions will be relevant while dealing with the complaint as will be apparent from the circumstances explained in my endorsement on the telegram - vide this office N. Dis. 1475 / 45 dated the 18th April 1945.

The matter came up before the council for consideration on a petition dated the 8th February 1945 presented by Sri A. Choodappa one of the signatories to the telegram. All the facts were placed before the council and the council passed the following resolution.

38. Read petition dated the 8th February 1945 from Sri A. Choodappa, Proprietor, Canara Watch works, Hampankatta, Mangalore regarding the smoke nuisance caused due to the roasting of cashew

nut in the Mizarkar's Factory at Urva with the remarks of the Municipal Health Officer thereon.

Taken as 3rd item - Rao Saheb P.R.R.Punja entered here.

After considerable discussion in the matter Mr. C.L.Lobo proposed and Mr. A. Shanker Alva seconded the following resolution :

"That this council resolves that a licence to Messrs Mizarkar's cahsew Factory for 1945-46 may be granted only on the following conditions:-

1. That they should use firewood for fuel.
2. That the height of the chimnies should be at least 25 feet above the top of the roof.
3. That the chmnies should be without a cap.
4. Under no circumstances cashew shells should be used for this purpose

The Director of Public Health also may be addressed in this matter.

The following members are added to the committee appointed as per council's resolution No.43, dated the 6th November 1944 :-

Messrs J.S.Suvarna, M. Mukunda Nayak and B.Gangadhar Das.

The Committee or any member thereof is authorised to inspect the Factory whenever necessary.

Carried unanimously.

It looks as if the council has lost sight of the last communication dated the 20th October 1944 received from the Director of Public Health quoted above and it is a matter for the consideration whether the procedure adopted and the resolution passed by the council are in order having regard to the provisions of the Public Health Act and District Municipalities Act referred to above.

As regards the last para of the resolution there is no provision either in the Madras District Municipalities Act o- Public Health Act for the council or any committee appointed by it or any member thereof to enter or inspect any factory. Hence this exceeds the powers of the council - Vide Section 253 of the Madras District Municipalities Act and Section 48 of the Public Health Act.

Under the above circumstances, I solicit urgent instructions whether I am to issue the licence in accordance with the conditions mentioned in the council resolution or grant a licence as per instructions contained in the letter of the Director of Public Health dated the 20th October 1944 and allow the procedure previously employed to continue till the new roaster is approved. As the matter is important, I request urgent instructions may kindly be given.

(True Copy)

Municipal Office, Mangalore,
Dated the 2nd June 1 9 4 5.

Commissioner.

compd:

H/2.6.45.

N.Dis.1475/42. (105)

Retransmitted to the Director of Public Health, Madras

The factory in question has been in existence since the year 1930 and was outside the municipal limits prior to April 1943 and at that time the method adopted for roasting was rather crude and conditions were much worse then. Improved methods of roasting are now employed and the smoke from roasters is let out through chmneys more than 50 feet high from the ground level.

In 1943 the municipal limits were extended and the factory in question came within the municipal limits and licence was granted for working the factory on the following conditions namely:

1. All the chimneys wherefrom smoke is made to diffuse at a height should be increased in height so as to be atleast 25 feet from the top of the roof.
2. All the fire places wherefrom heat is generated should be fed only with fire-wood.
3. Under no circumstances cashew shells should be used for this purpose.

Licence subject to the above conditions was issued on 17th May 1943. On 21st July 1943 the licensees applied for extension of time till November 1943 for carrying out the above conditions. At that time the Commissioner was also the Health Officer in charge and he informed the licensee by his reply dated 23rd July 1943 that time cannot be extended.

Soon after this the Director of Public Healthinspected the factory and on 31st July 1943 the Health Officer in charge passed the following order and communicated it to the licensee.

"As the Director of Public Health inspected the factory and said that he would be sending in his suggestions further action on this office order dated the 23rd July 1943 will beheld in abeyance".

As no sugges tions were received from the Dir ctor of Public Health reminders were sent. On 14th October 1944 the Director of Public Health intimated that a simple roaster has been devised by the Government Industrial Engineer and that experiments with the same were being conducted and that it

will be suggested for adoption after its approval by the Public Health Board.

Again in reply to the reference made by the Commissioner to the Director of Public Health on 4th October 1944 the Director of Public Health sent the following reply dated the 20th October 1944.

"Design of a cheap roaster is being tried experimentally by the Industrial Engineer. Until this is approved and recommended for adoption the procedure previously employed may be continued".

I submit that having regard to the above communication received from the Director of Public Health it would have been improper on my part to take any action without further orders or instructions from the Director of Public Health.

Further instructions were solicited by reminder dated 6th April 1945, for which a reply has been received today stating that the Industrial Engineer has not yet reported on the experiments with the new roaster.

I submit that from what has beenstated above it willbe clear that there has beenno deriliction of duty on my part; but on the other hand I have obeyed the orders of my official superior the Director of Public Health as I am bound to do and the charge levelled against me is absolutely unfounded.

I further submit that none of the signatories to the telegram or petition has ever come to me nor did I advise the neighbours to abandon their homes. This is another instance of the malicious campaign that is being carried on here against me for some time past by a few unscrupulous persons.

Municipal Health Office,
Mangalore, D/18-4-45.

sd/B.Subraya Baliga,
Municipal Health Officer.

(True copy)

Municipal Office, Mangalore,
Dated the 2nd June 1945.

COMMISSIONER.

compd:

M/2.6.45

Extract from the Proceedings of the Mangalore Municipal Council, dated the 23rd April 1945.

x x x

Resolution No.1. Read Chairman's Notice dated the 21st April 1945 convening this urgent meeting of the council to consider the communication received from the Municipal Health Officer, Mangalore, informing that he had referred council resolution No.38, dated the 16th April 1945 to the Director of Public Health, Madras, for issue of instructions to him in the matter of granting licence for roasting cashew-nuts in the Mijarkar's Factory at Urva and that further action would be taken on receipt of the instructions.

After considerable discussion and the opinion expressed by several members of the council on the subject the following resolution was moved by Mr. C. L. Lobo and seconded by Mr. B. Thimmappa Shetty.

That this council is of opinion that the Resolution No.38 dated the 16th April 1945 unanimously passed by the council and that it should be enforced strictly forthwith and Messrs Mizar Krishna Annappa Pai & Co. shall be given 2 week's time from the date of communication of the issue of the Licence to fulfil the conditions.

Messrs M. S. Sreshta and J. S. Suvarna left the meeting before the resolution was moved.

The resolution

The resolution was put to vote and lost.

6 voted for the resolution and seven against.

sd/ H. Hoosien Saheb
Chairman, M.C.

(True Extract)

Municipal Office, Mangalore, |
Dated the 2nd June 1945. |

Commissioner.

compd:-

H/2. 6. 45.

Extract from the proceedingsof the Mangalore Municipal council, dated the 7th May 1945.

x x x

Resolution No.81.

Read letter dated the1st May 1945 from Mr. C. L. Lobo, Vice-Chairman, Municipal council intending to move the following resolution :-

"This council considers that the working of the cashewnut Factory of Messrs Mijarkarle Krishna Annappa Pai & Co. in R.S.Nos 71, 72 and 73 of Boloor village of the Municipality in close proximity to thickly crowded human habitation and the labour school is a veritable nuisance and a positive menace to the health of the hundreds of neighbours and of the school children and therefore resolves that the Executive should take urgent and immediate steps to stop forthwith all burning operations in the aforesaid Factory premises".

The resolution was moved by Mr. C. L. Lobo Vice-Chairman and seconded by Sri B. Thimmappa Shetty.

After considerable discussion and the opinion expressed by several members of the council on the subject, the resolution of Mr. C. L. Lobo was put to vote and carried by a majority of 19 against 3 (Mr. Mukunda Nayak and others descenting)

x x x

sd/H. Hoosien Saheb
Chairman, M. C.

True Extract.

Municipal Office, Mangalore,
Dated the 2nd June 1945.
H/2.6.45. compd:

Commissioner.

Municipal Health Officer, Mangalore, to the Director of Public Health, Madras with a copy to the Commissioner, Mangalore Municipality.

Subject: Mizarkar's Cashewnut factory - issue of license - instructions solicited. 45

Ref: This office C.No.1642/ dated the 18th April 1945.

In continuation of my reference C.No. 1642/45 dated the 18th April 1945 I have to bring to your notice that the municipal council has by a majority, passed the following resolution which was moved by Mr. C.L.Lobo.

x x x x

"This council considers that the working of the cashewnut factory of Messrs Mizar Krishna Annappa Pai & Co in R.S.No.71, 72 and 73 of Boloor village of the municipality in close proximity to thickly crowded human habitation and the labour school is a veritable nuisance (of the) and a positive menace to the health of the hundred of neighbours and of the school children and therefore resolves that the Executive should take urgent and immediate steps to stop forthwith all burning operations in the aforesaid factory premises.

x x x

sd/ Chairman, M.C.

I request that the instructions solicited in my reference quoted above may kindly be expedited.

sd/B. Subraya Baliga,
Municipal Health Officer.

Copy to the Commissioner, Mangalore Municipality, Mangalore with reference to his letter C4/9478/44, dated the 8th May 1945. I am awaiting instructions from the Director of Public Health to give effect to the council resolution.

/True copy/

Municipal Office, Mangalore,
Dated the 2nd June 1 9 4 5.

Commissioner.

compd: 6
2.6.45

.h/2.6.45

Copy of letter No.Nil dated the 20th May 1949
From A.Shoodappa, Proprietor, Kanara Watch works, Hampankatta, Mangalore, To the Chairman in council, Mangalore Municipality, Mangalore.

Ere this, myself and others applied to the Municipal Council Mangalore, whereof you are the Chairman....., complaining about the smoke nuisance caused by the Mizarkar's Cashew Factory situated in Bolur ward of Mangalore Municipality, and requesting the council to take steps to stop the said nuisance. The area in which the Factory is placed is preeminantly a residential one. Round about within a radius of two furlongs there are about 500 houses and all these are affected by the smoke. The thick dense smoke caused by the burning of cashew shells as a substitute for firewood and the white vapoury fumes produced in the process of roasting cashewnuts extra[illegible]on of it contaminate the atmosphere and affect the health and safety of the inhabitants occupying the houses mentioned supra. As aninhabitant of the affected locality and as a person directly hit by the nuisance I had as stated supra applied to the council to get the nuisance abated. But for reasons best known to you and the council the nuisance continues in all its severity.No effective steps have been taken so far to protect the interests of the suffering public.The Factory owners proceed undaunted and every day, myself the members of my family and also the public concerned are made to inhale the obnoxious atmosphere with grave danger to our lives.In the circumstances, I do not see any other way but to proceed to a court of law to obtain proper redress. The Municipal council is clearly guilty of neglect of a plain duty cst upon it and of abetting the continuance by the factory owners of an act which for its effect has the undermining of the health and lives of a section of the Public of Mangalore. This may therefore be treated as a notice under section 350 of the District Municipalities Act. Unless at least on receipt of this notice the nuisance is ended I will sue the factory owners for an

injunction restraining them from proceeding with the working of factory impleading the Municipality also as a party Defendant. The Municipal council yourself personally, as well as the owners the factory will also have to pay me the damages caused so far, to myself and the members of my household, which is put at a modest figure of Rs.1,000. A notice in similar terms has been sent to the Commissioner . . . of the Municipality this day.

SOUTH KANARA
COLLECTOR'S OFFICE.
6 JUN 1945

Municipal Office, Mangalore,
Dated the 2nd June 1945.

Commissioner.

M/2.6.45.

Ref: C.No. C4/9478/44.

Municipal Office, Mangalore,
Dated the 5th June 1945.

From

Sri B. Suryanarayana Rao, M. A.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to the Government of Madras,
Local Administration Department,
Fort St. George, M a d r a s,

Through

The Chairman, Municipal Council, Mangalore,
The Collector of South Kanara, Mangalore,
The Inspector of Municipal Councils and Local Boards,
Record Office Buildings, Egmore, Madras.

Sir,

Subject: Resolution - Municipal Council - Carrying out etc.

Ref: My letter Ref. C.No. C4/9478/44, dated the 2nd June 1945.

In continuation of my letter quoted above I submit that the report of the Assistant Director of Public Health on his inspection of Mizarkar Cashew Nut Factory here with his suggestions for mitiga ting the nuisance and conditions under which the factory should be licensed has since been received (on 3-6-1945 night) and I addressed the Municipal Health Officer on 4-6-1945 itself to take immediate action on it. He is taking necessary action.

5/6/45
Commissioner

P T O

Forwarded:
5.6.45
Chairman, M.C.

5/6

Copy submitted to:

The Secretary to the Government of Madras,

Local Administration Department, Madras, direct

From Sri Mizar Devadas Pai E.H.H.(4)
and Sri Mizar Govinda Pai
Pstn. Dt 9.8.45. (17)
From the Mun! Comm^r Mangalore No.
N.Dis - 9004 Dt 28.8.45.

Memo No. 30040(A) H/45-9 P. H dated 27-9-45.

Licence - Mangalore Municipality
Cashewnut factory Krishnappa
Annappa Pai Co. Prosecution for
running without licence.

The Mun! Comm^r is
informed that the prosecution is launched
against the proprietors of the
Cashewnut factory of Mizar Krishna
Annappa Pai & Co at Mangalore
factory without a licence should
be withdrawn.

27/9/45

Addl
28/9

To
The Mun! Comm^r
Mangalore
" Dy. S. Kanara
Copy to D.F. &
A.L.B. & the Pstn.

27.9.45

Roc. No.C2/9478-44.

Municipal Office, Mangalore,
Dated the 4th October 1945.

119

45160

From

Sri B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to the Government of Madras,
Education and Public Health Department, Madras,

Through

The Chairman, Municipal Council, Mangalore.

Sir,

Subject: Licences - Mangalore Municipality -- Cashewnut Factory - Krishna Annappa Pai Company - Prosecution withdrawal of - Report - submitted.

Reference: Government Memorandum No.30040(A).H.45-9 P.H., dated the 27th September 1945.

========

I beg to report that the prosecutions launched against the proprietors of the Cashewnut Factory of Mizar Krishna Annappa Pai & Co. Mangalore, for having run the factory without

a licence

has been withdrawn on 2nd October 1945 as per instructions contained in the above Government ~~Order~~ Memorandum.

4/10/45

Commissioner

Forwarded.

5-10-45

Chairman, M.C..

Copy submitted to: The Inspector of Municipal Councils and Local Boards, Egmore, Madras, in continuation of this office R.O.C.No. 9478/44, dated the 27th September 1945.

H/4.10.45.

compd:- 4/10

R.O.C.No.C2/ 9478/44.

Very Urgent.

Municipal Office, Mangalore,
Dated the 12th October 1945.

From

Sri B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to the Government of Madras;
Education and Public Health Department,
Fort St.George, Madras,

Through

The Chairman, Municipal Council, Mangalore.

Sir,

Subject: Licences - Mangalore Municipality - Cashewnut Factory - Mizar Krishna Annappa Pai and Company.

In my R. O. C. No. C2/9478/44, dated the 4th October 1945 it was reported to Government that as per instructions of Government in their Memorandum No. 30040(A)-H/45-9 P.H., dated 27th September 1945 the prosecution launched against the Proprietor of the Factory in question was withdrawn. Thus the prosecution was only just withdrawn.

I beg now to report further happenings connected with the said factory for kind information and urgent orders of Government.

The Proprietor has since filed an appeal to the Council against the orders of the Municipal Health Officer refusing the grant of licence to the factory in obedience to the directions of Government issued in G.O.No. 30040 (A)-H/45-5 P.H., dated the 3rd September 1945. I am enclosing copies of the appeal of the Proprietor and of the orders issued by the Municipal Health Officer mentioned also the direction of Government for kind perusal. With the remarks of the Municipal Health Officer the appeal was placed before the council in its meeting held on 8th October 1945. I am enclosing a copy of the Municipal Health Officer's remarks to which is appended a copy of the report of the Municipal Health Officer called for by the Director of Public Health on the rectification of defects pointed out by the Assistant Director of Public Health in his report dated the 25th May 1945. The subject was partly discussed and adjourned.

Yesterday (11.10.1945) I received a communication from the Vice-Chairman informing me that the factory was reported to be working from 10.10.1945. I immediately addressed the Municipal Health Officer to get this verified and to take necessary action. The Municipal Health Officer forwarded to me the report of the Sanitary Inspector dated the 11th October 1945 (copy enclosed) and also reported to me to-day that the factory had begun to roast cashewnuts and to work the electric motors from 10.10.1945. The Municipal Health Officer has also addressed the Municipal Standing Counsel to prepare draft charge sheets urgently, sending a copy of the Sanitary Inspector's report on the working of the factory on 10.10.1945 and 11.10.1945 without licence from him and intimatin that the licence had not been granted so far, that Messrs Mizar Annappa Pai & Co had filed an appeal to the council against his order of 6th September 1945 and that the appeal was not disposed of. To-day, I received a complaint communication from the residents of the locality too that the factory had begun roasting nuts that the nuisance was intense. A copy of it is enclosed.

I may also submit for the kind information of Government that early last month it was reported to me that the factory had worked on 5th September 1945. On 6th September 1945 I addressed the Municipal Health Officer to verify the fact and

to

to take necessary action. The Municipal Health Officer after verification asked the Municipal Standing counsel to prepare charge sheets. But the Standing Counsel opined that while the prosecution already launched was pending trial a further prosecution (daily charge sheets) would not be legal. Meanwhile on 7th September 1945 the proprietor reported that they had worked the Factory in the morning hours from 5th September 1945 to test the working of the newly installed centrifugal apparatus suggested by the Assistant Director of Public Health. The factory did not work after 7th September 1945.

I now request for urgent instructions as to the nature of the action to be taken. However, to save delay I asked the Municipal Health Officer to take action. The Municipal Health Officer addressed the Municipal Standing Counsel to prepare charge sheets for launching a prosecution against the proprietors for running the factory and working the electric motors without a licence, thus obviously defying authority, even the direction of Government, of which the proprietor was made aware by the Municipal Health Officer through his order of refusal of licence dated 6-9-1945. However, before filing the prosecution I feel it advisable to urgently seek and await instructions of Government as to the best or appropriate course to be adopted or action to be taken. I, therefore, request the favour of very urgent instructions.

13/10/45
Commissioner

Forwarded:

13-10-45
Chairman, M.C.

Copy to the Municipal Health Officer, Mangalore, for information and guidance.

Copy to the Director of Public Health, Madras.

H/13.10.45. compd:-

BEFORE THE MUNICIPAL COUNCIL, MANGALORE.

Appeal petition filed by Mizar Krishna Annappa Pai & Co., Merchants, Mangalore.

Under Section 322 (1) of the District Municipalities Act.

The Petitioners beg to file this appeal against the order of the Municipal Health Officer, Mangalore, dated 6th September 1945 refusing the grant of a licence for ro sting cashewnuts and working electric motors in their premises R.S.Nos. 71, 72, and 73 of Bolgor village, on the following among other grounds :-

-- The Health Officer was wrong in holding that a licence cannot be issued until all the defects referred to in the Inspection Notes dated 28th May 1945 of the Assistant Director of Public Health are rectified.

2. The order appealled against, itself states that the said defects should be rectified in the manner suggested by the Assistant Director in the said inspection notes.

3. The said Inspection notes recommended that certain defects should be rectified immediately and in respect of certain other defects, 3 to 6 months time should be granted to the appellants and that subject to these conditions the Factory may be licenced.

4. The petitioners submit that in view of the specific recommendations referred to above the Health Officer was wrong in insisting that all the defects should be rectified at once and in refusing to issue a licence till then.

5. Petitioners submit that they have installed the necessary apparatus for the treatment of the oil-fumes from the oil tank and the gases that emanate as a result of cashew fuel. It has been certified to be satisfactory by the Industrial Engineer, Madras, who was specially deputed by the Assistant Director to submit his report. The certificate is produced herewith, and had been duly produced before the Health Officer also.

6. Petitioners have also installed the necessary apparatus for centrifugalising the roasted nuts and they have duly informed the Health Officer about it by their letter dated 25th August 1945.

7. The question of digging bore wells or other wells does not arise for consideration for a few more months as the monsoon is still not over and the 2 wells in the compound contains 9 fathoms of water each. There are overhead tanks and a very large number of covered vessels have been installed in the factory premises.

8. The existing latrines were constructed in 1933 as per plans supplied and approved by the District Health Officer, South Kanara, with his Ref. C.No. 1908/44, dated 5- 12- 1933. The latrines are in accordance with the Indian Factories Act. The said letter from the District Health Officer is herewith produced.

9. Petitioners submit that it will take some time to construct a septic tank latrine and they have addressed the Sanitary Engineer with the Government of Madras to send the necessary plans.

10. The floor of the shelling section has been thoroughly overhauled with bricks and cement as well as elongated - - trenches as suggested in the Inspection notes. The height of the sheds is in accordance with the Indian Factories Act and the height of the different sheds varies from 11 feet 2 inches to 15 feet. The sheds are well lighted and ventilated and there is ventilation even near the roofs. It is submitted that open sheds are impracticable as the ravages of crows will be intolerable.

11. There is absolutely no over-crowding in the Peeling section. The Factory Inspector has permitted the petitioners under rule 11 (1) of the Madras Factories Rules 1936 to allot 20 square feet to a worker. Though according to the rules 751 workers may be accommodated, petitioners employed not more than 533.

12. In the Drying section only 4 people are employed. The floor is daily washed.

13. In the Packing and Tinning section also, petitioners have installed a hood for dispersing the gas and dust through a chimney into the atmosphere. Only 12 workmen are employed in this section and there is no over crowding.

14. There is a free dispensary attached to the factory and a lady Doctor will be employed. Creches has been installed as suggested.

15. There is a tiffin room with a floor area of 1050 sq. ft. and 6 windows. It may also be submitted that about 80 % of the workers live very close to the factory and go to their houses for meals.

16. Petitioners therefore submit that there is no valid ground for refusing to issue a licence as the minor defects enumerated in the Inspection Notes are not of a very serious nature and can be rectified if sufficient time is granted.

17. The Health Officer has entirely over-looked the fact that the Factory was duly licenced by the District Board before the Municipal limits were extended in 1943. Even after this, the Municipality has received licence fee from the petitioners year after year and under Section 321 (11) petitionars should be deemed to be licencees. As the rules had not been framed the licence was not actually issued but at no time were petitioners prohibited from working the factory ecept by order dated 3rd July 1945, when the factory had been closed under Magisterial orders. It is submitted that the Magistrate has since withdrawn this order, the jury appointed by him having unanimously found that the present arrangements regarding elimination of smoke and fumes are satisfactory.

18. Petitioners submit that the industry will greatly suffer by the unreasonable with-holding of the licence, as more than 1,000 workers are now un-employed, contracts remain unfulfilled involving heavy loss to petitioners and the raw goods are deteriorating.

19. It is therefore submitted that after holding a local inspection, if necessary, the council may be pleased to set aside the Health Officer's order dated the 6th Septr.45 and to issue a licence as prayed for.

Mangalore,
Dated 25th Septr.45.

For Mizar Krishna Annappa Pai & Co.
sd/
Partner.

Enclosures: 1) Copy of certificate of the Industrial Engineer, Madras
2) Original letter C.No.1392/45, dated 6.9.45 of the Health Officer, Mangalore Municipality, Mangalore.

(TRUE COPY)

13th October 1945.
H/13.x. compd:

COMMISSIONER.

ENCLOSURE

Camp: Mangalore,
18th June '45.

During my inspection of the trial working of the Cashewnut Factory of Messrs: Mizar Krishna Annappa Pai & Co. Mangalore, to-day, I observed that the oil fumes from the oil tank have been treated by being led into the furnace, burnt and discharged through the chimney. There was no irritating smell felt in the surrounding area, caused by the gases coming out of the chimney. I am therefore of opinion the device adopted by the factory for treating the oil fumes from the oil tank has been successful.

As I have not previously visited the factory and studied the conditions then prevailing, I am however, unable to give a comparative opinion as to the extent of the improvement thus effected.

(sd) S.GOPALAN
INDUSTRIAL ENGINEER, MADRAS.

(TRUE COPY)

13/10

COMPD: 13.x.45.

COMMISSIONER.

ENCLOSURE:

Copy of letter C.No. 1392/45, dated the 6th September 1945
From The Municipal Health Officer, Mangalore,
To - The Partner, Mizar Krishna Annappa Pai & Co., Cashewnut Factory, Bolur, Mangalore.

Sub: Licence - Roasting cashewnuts and working electric motors - R.S.Nos. 71, 72 and 73 of Bolur village.

Ref: Your letter dated the 5th September 1945.

In reply to your letter, quoted above and in view of the instructions contained in Government Memorandum No. 30040 (A)-H/45-5. P.H., dated 3rd September 1945, I have to inform you that the licence for roasting cashewnuts and for working electric motors in premises R.S.Nos. 71, 72 and 73 of Bolur village, will not be issued, until all the defects are rectified in the manner suggested by Dr. Rao Bahadur A. Thirumaliah, Assistant Director of Public Health, in his inspection notes dated the 28th May 1945, communicated to you on 4th June 1945 in this office letter C.No. 1392/45, dated the 4th June 1945.

Copy to the Commissioner, M.M. Mangalore
for favour of information with reference to his endorsement C2/9478/45, dated the 5th September 1945.

(True copy)

CORRECTION SLIP.

The following correction may kindly be made in para 3 of

my letter C. No. 1392/45, dated the 4th September 1945

for " xxx defects pointed out by the Assistant Director of Public Health in his inspection report Dated 2-6-1945 are rectified in the manner xxxx

Read: xxx defects pointed out by the Assistant Director of Public Health in his inspection notes dated 28th May 1945 are rectified in the manner xxxxx

Municipal Health Office,
Mangalore, D/6.9.1945.

sd/ M. Vallabha Rao
6/9/45
Municipal Health Officer.

(True copy)

Municipal Office, Mangalore,
Dated the 13th October 1945.

13/10
Commissioner,
Mangalore Municipality.

compd: 13/10

H/13.x.45.

ENCLOSURE;

This is an appeal against the orders dated 6th Septr. 45 of the Municipal Health Officer. filed by Messrs Mizar Krishna Annappa, Pai & Co.,

The order appealed against was issued as per orders of the Commissioner, Mangalore Municipality based on instructions contained in G.O.No. 1622 P.H., dated the 19th June 1945 and as per instructions contained in Government Memorandum No.30040-(a)-H. 45-5 P.H., dated the 3rd September 1945. In the order appealed against it is stated that the licence for roasting cashew nuts and for running electric motors will not be issued until all the defects pointed out in the Inspection notes dated the 28th May 1945 of Rao Bahadur Dr. A. Thirumaliah are rectified in the manner suggested by him. If this order be taken as a refusal order, an appeal lies to the council under section 322 (1) of the Madras District Municipalities Act.

As the instructions of the Government referred to above are not to grant a licence until all the defects are rectified, the above order was issued and the Health Officer is justified in issuing such an order.

The Director of Public Health in his letter R.No. 18870-Hyg. 45 dated the 23rd July 1945 has stated that the remarks of the Industrial Engineer have no bearing on the subject apparently in view of the fact that the Government have issued definite instructions in t matter.

The conditions in existence when I inspected the factory for purpose of reporting to the Director of Public Health whether all the improvements in the manner suggested by the Assistant Director of

Public Health in his inspection report dated the 28th May 1945 have been carried out or not; are set forth in my report Roc No. 1392/45, dated the 4th October 1945 (copy enclosed)

Municipal Health Office, Mangalore, 6th October 1945) sd/ M. Vallabha Rao
Municipal Health Officer.

(True copy)

Municipal Office, Mangalore, (
Dated the 13th October 1945.)

13/10.
Commissioner,
Mangalore Municipality.

compd: BR 13/10

H/13.x.45.

R.O.C.No. 1392/45 Office of the Municipal Health Officer, Mangalore, dated 4th October 1945.

From
Dr.M.Vallabha Rao, M.B.B.S.,
Municipal Health Officer,
Mangalore.

To
The Director of Public Health,
M a d r a s.

Sir,

Subject: Licence -- Mangalore Municipality -- Mizarkar's Cashew nut factory.

Reference:- R.No. 18870- Hyg./45/19 dated the 21st Septr. 45.

I am submitting the following report on the above subject, in view of the rectification of the defects pointed out by the Assistant Director of Public Health in his report dated the 28th May 1945.

Item No.1. A certrifugalising machine has been installed in the Factory to extract the remnants of oil ffom the cashew shells after roasting. The chimney or out-let for fumes from the cashew roaster is directly led of into the ovem so as to efficiently burn the irritating fumes and make them innocuous. An exhaust system is provided so as to suck and direct all the fumes emnating from the roaster to the furnace. The out let from the oven is taken underground for a distance of about fifteen feet and let out through a chimney made of iron pipes jointed one over the other and taken through the ceiling. The entire height of the chimney is about forty-eight feet. The above mentioned plant was approved by the Industrial Engineer as mentioned in his certificate issued on 18th June 1945.

A masonry chimney as required by the Assistant Director of Public Health is not in existence.

Item No.2, Shelling section. The floor is cemented. Sufficient number of cemented trenches are provided. The walls are white-washed, the ceilings painted. The height of the walls of this section is twelve feet. The floor area of this section is 14,982 sq. ft. The window space is 1,121 sq. ft. The existing floor space will accommodate 416 persons according to Rule 11(1) framed under section 17 of the Factories Act. The ventilating space required for engaging 416 persons is 2,080 sq. ft. The section provides 1,121 sq. ft. of ventilating space. Five ceiling fans are provided at convenient spaces.

Item No. 3, Drying section. The floor is kept clean and washed. The walls are lime washed and the wood work is painted. The existing four chimneys are about 38 ft in height each.

Item No. 4, Peeling Section. Flooring is cemented and made impermeable. The walls are lime washed. The wood work is painted. The floor area is 6,120 sq. ft. The ventilating space is 765 sq. ft. The floor area can accommodate 170 persons who require 850 sq. ft of ventilating space. But the factory provides only 765 sq. ft of ventilating space.

Item No.5. Packing and tinning section. Flooring is cemented and walls white washed. Receptacles for remnants of tin are provided. The floor area is 1595 sq. ft and the ventilating space is 175 sq. ft The floor space will accomodate 44 persons who require a ventilating space of 220 sq. ft.

A hood and ridge ventilator are provided over the oven in this department.

Item No.6 Water supply. No additional bore wells are provided. The two existing permanent wells contain water to a height of about 20 f The diamater of these wells is about 5 feet. Two over head cisterns are provided with a capacity of 1500 gallons. Water is supplied by six taps from these cisterns.

Item No. 7. Provision for midday meal. No arrangements are made.

Item No. 8. Woman Medical Officer. I am given to understand that part time woman Medical Officer is going to be engaged.

A creche to accomodate six children with cradles is provided.

Item No.9 Tiffin Rooms. A tiffin shed with an area of 975 sq. ft with a ventilating space of 139 sq. ft is provided. The floor space is sufficient for 243 persons at 4 sq. ft per head as suggested by the Assistant Director of Public Health. Another shed is under construction for the same purpose measuring 34 ft x 60 ft and open all round.

Item No.10. Latrines. No septic tank latrines have been provided so far.

sd/ M.Vallabha Rao
Municipal Health Officer 4.10.45

Copy to - The Commissioner, Mangalore Municipality.

(True copy)

Municipal Office, Mangalore, (
Dated the 13th October 1945.)

13/10

Commissioner,
Mangalore Municipality.

compd: 13/10

H/13.10.45.

****

346/10

Sanitary Inspector's report dated the 11th October 1945 t
he Municipal Health Officer, Mangalore.

I beg to report that during my rounds to day morning I found the Cashewnut factory of Messrs Mizar Krishna Annappa Pai and Co. working their factory without licence.

On entering the premises at 9.30 a.m. to day I found that both the roasting machines have commenced work. About 525 women were found working in the shelling department at the time of my inspection. The oven was also in working condition. The following electric motors were employed for works to day.

Roasting section.

2 Electric motors of 5 H. P. each)
1 H. P. ") Total 12 H. P.

Drying Section.

2 Electric Motors of 1 H.P. 2 H. P.

6 do of 14 H. P. in total.

True copy of the notice found on the notice board at the entrance is also herewith submitted for your kind perusal.

On enquiry with the Maging partner Mr. Mizar Govinda Pai I came to know that the factory had commenced work from yesterday (10.10.45) and the following works was carried on yesterday.

1) Roasting of cashew nuts with both the roasters.

2) Shelling with about 450 women workers.

The following electric motors were employed for work in the roasting section only.

2 electric motors of 5 H.P. each
2 do 1 H.P. "

12 H.P. in total

True copy.

Notice.

Mizar Krishna Annappa Pai & Co.

To
The Workers.

The following departments will resume works as --

Roasting and shelling on	..	10. 10. 1945
Oven work	..	11. 10. 1945
Peeling	..	12. 10. 1945
Grading	..	13. 10. 1945

The workers will be admitted for the aforesaid departments from said dates.

P. T. O.

[redacted] ಬರೆಯ ಮೇರಿಗೆ ಕೆಲಸವನ್ನು ಮಾಡಿಸಲು ತೊಂದರೆಯಾಗುವುದರಿಂದ
ಕೆಲಸಕ್ಕೆ ಜನ ಇಡೋಣವಾಗುತ್ತದೆ.

ಶೋಕಿಂಗ್-ಮಾ. ಕೆಲ್ಲಿಂಗ್ =	ತಾರೀಕು	೧೦-೧೦-೪೫
ಗುಡಿನಕೆಲಸ	—	11-10-45
ಟೀಲಿಂಗ್	—	12-10-45
ಗ್ರೈಂಡಿಂಗ್	—	13-10-45

sd/U.N.Nayak
for Manager.

C 1392/45.

Very Urgent.

Forwarded to the Commissioner, Mangalore Municipality, Mangalore.

sd/M.Vallabha Rao
Municipal Health Officer

(True copy)

Municipal Office, Mangalore,)
Dated the 13th October, 1945.).

13/10.
Commissioner.

compd: 13/10/45.

H/13.10.45.

Bolur,
Mangalore,D/ 10th October 1945.

To

The Chairman-in-council,
Mangalore Municipality, Mangalore.

Humble representation of the undersigned residents of Bolur village, Mangalore.

Sir,

We beg to inform you that Messrs Mizar Krishna Annappa Pai & Co. Cashewnut Factory have begun to roast cashew nuts from to-day defying the Government order and the Municipal Council Resolution of 7th May 1945. The atmosphere nearby is full of pungent smoke and causing irritating smell and effects all the residentsof the locality. We bring these facts to your notice for immediate necessary action in the matter.

Your most obedient servants,

sd/

Copy to the Commissioner, Mangalore Municipality.
Copy to the Municipal Health Officer, Mangalore.
Copy to the Director of Public Health,Madras.
Copy to the Vice-Chairman, Mangalore.

(True copy)

13/10/45
Commissioner

13th October 1945.
H/13.10.45.

compd:

SECRETARY, EDN. AND P. H. DEPT.
17 OCT 1945
GOVERNMENT OF MADRAS

18 OCT 1945
18 OCT 1945

Mangalore
Dated 14th October

To

The Secretary,
Education and Public Health Department, Madras.

Humble Representation of the Residents of Bolur Village,
Mangalore.

Respected Sir,

It is with deep sorrow that we are approaching you again with our grievances for seeking redress again from the smoke nuisance that is being tortured on us from the factory of Messrs. Mizar Krishna Annappa Pai and Co from the 10th of this month

The factory of the above said gentlemen remained closed till the 9th instant. On the 10th morning the company began to roast cashew nuts and continue doing the same. The irritable and pungent smoke emanating from the chimneys of the said factory cause irritating sensation to the throats of all the neighbours as before We are not able to breathe the fresh air which Almighty God has given. We are now living as if in hell.

You may remember the Municipal Council had resolved in its resolution on 7th may 1945 that all burning operations in this factory should be closed, but we wonder how inspite of this resolution the factory is allowed to work.

We most respectfully beg to approach you once again and pray that you may be graciously pleased to issue orders to the closure of the said factory at an early date and save us from the torture of smoke nuisance.

For which act of kindness we shall as in duty bound be ever grateful.

We beg to remain,
sir,
your most obedient servants,

1. Copy to the collector of S.K.
2. Copy to the Vice Chairman, M.C. Mangalore.

ಅ ಜಿಲ್ಲಾಧಿಕಾರಿ ಕನರಾಜು.

A. D'Souza

Alphonsa

+ John Saldanha

K. Krishnappa
B. Shesappa

From the Mun! Commr: Mangalore

No. R.O.C- C4-9478-44 Dt 12/

Memo No. 30040(A) H(45-11 P. H dated 19-X-65

Licence- Mangalore Mr. /

Cashewnut factory of Mizar

Vithalthmappa Pai Co.

The Commr: is requested to forward to the Govt a copy of the Council's proceedings on the appeal from the proprietor of the Cashew nut factory soon immediately the Council arrives at a decision on the appeal-

2. In the circumstances reported the Commr's action in having taken steps to initiate prosecution proceedings against the owner of the factory is in order. Accordingly

3. The Commr and the Health Officer are required instead, to make a joint surprise inspection of the factory (Which is now said to be working) and report on the following points:—

(i) "Does the nuisance from the smoke still exist and if-so, to what degree? contained in the PWD's inspection report dtd 28/5/65

(ii) How many persons were work-

in the shelling section on the date of inspection and what is the usual number of workers ~~working~~ according to the records, if any, kept in the factory

(iii) Is the existing height of the chimneys in the drying section adequate? Is the fuel used firewood or cashewshell? If it is the latter, are the shells properly treated in order to eliminate nuisance?

(iv) How many persons were working in the peeling section on the date of inspection and what is the usual number of workers according to the records, if any, kept in the factory.

(v) How many persons were working in the packing and trimming section on the date of inspection and what is the usual number of workers according to the records, if any, kept in the factory. ~~How many improvement been effected in the fire place in this section~~? Is firewood used as fuel? If cashew shells are used are they properly treated in order to eliminate nuisance.

(vi) What was the depth of the water in the well on the date of inspection, and was the water of good quality? How many gallons of water were there in the overhead cisterns at the time of insp?

How

How is the water supplied to the cisterns
from the well, and is a Capacity of 2500 gallons
sufficient for the total number of
workers :-

(iii) At what stage of construction
is the 2nd hessian shed ?

The Comm^r is requested to treat the matter as
urgent and send a reply in
7 days.

Ltr
19.10.45

To the Mun^l
(by Comm^r Mangalore)
(by hand) Bro R Ch^n to be sent
Copy to the Comm^r for information

Ltr
20/10/45

Reply received
(by messenger)

R^n 30.10.45

155

Industries & Commerce

From
The Director
of Industries & Commerce,
Chepauk, Madras.

To
The Secretary to Government,
Development Department,
M a d r a s.

No.4796-A1/45 dated 16th October 1945.

Sir,

Sub. Cashewnut - Roasting in the factory of Messrs. Vizar Krishna Annappa Rai, Cashewnut factory.

Ref. My letters No.4796-A1/45 dated 6.7.1945 and 3.9.1945.

I invite a reference to my letters cited and request to be informed whether any orders have been passed in the matter.

for Director of Industries and Commerce.

20 u.s. 156 H

The ~~original~~ letter referred to at 'A' on p1 above was sent to P.W.D. with Dem no. No. 41388 D/45-1 dt 13.7.45. this may be sent to That deptt. in Continuation. That dept may ~~do~~ kindly send a reply to the ~~D.O.~~ if the Secretary has been 48503 Dem no. 44464 D/45 dt 22.10.45

disposed of.

P.W.D.

P.W.I.

~~DO~~ 21.10.45

main

The file on the subject is in Engg. H. This may be transferred to the for necessary action.

P.W. Dept.

DEPUTY SECRETARY TO GOVERNMENT 23 OCT 1945 PUBLIC WORKS DEPARTMENT

SECRETARY TO GOVT 23 OCT 1945 PUBLIC WORKS Dept

P.W.2.6. 94 22

25.10.45

23.10.45 24.10.45

Various Eqpt

URGENT

No.R.O.C.C.4.9478-44 (157)

Municipal Office, Mangalore,
Dated 26th October, 1945.

From

Sri B.Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

29 OCT 1945

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Endo: Two.

Sir,

48963

Subject: Licence - Mangalore Municipality - cashewnut Factory of Mizar Krishna Annappa Pai Company.

Ref Government Memorandum No.30040-(A)-H/45-11 P.H., dated 19th October, 1945, and received by me on 22nd October, 1945.

I submit below seriatim replies to the various paragraphs of the Memorandum quoted above.

1. The appeal came up for consideration before the Council again on 23rd October, 1945. It was discussed at greater length and adjourned for further consideration at the next meeting fixed for 29th October, 1945.

2. As the Government have held that my action in having taken steps to initiate prosecution proceedings against the owners of the factory is in order, I have asked the Municipal Health Officer to launch the prosecution.

3. As per instructions of Government, myself and the Municipal Health Officer made a joint surprise inspection of the factory (which is working even now) at 9 A.M. on 24th October, 1945, stayed in the factory premises till 11-50 A.M., made a detailed study and have to report on the various points detailed in the Government Memorandum and contained in the Assistant Director of Public Healths' inspection report dated the 28th May 1945 and the Municipal Health Officer's report No.1392/45 dated the 4th October, 1945 as follows:

(i) Smoke Nuisance: On this the Municipal Health Officer held the following opinion and conveyed also to the Director of Public Health in his Confidential C.No.1392/45 dated 26th October, 1945.

"Nuisance from the smoke is much mitigated as the oven is fed mostly by firewood and occasionally by the centrifugalised cashew shells which were deprived of most of the oil. The degree of the nuisance depends on climatic conditions, weather and the nature of the fuel that is used for the ovens."

While agreeing in general with his opinion I have to add that the nuisnace is mitigated also because of the installation of the apparatus fitted with exhaust fan too and certified by the Industrial Engineer for burning the oil fumes and gases from the oil tank as per condition No.1 in the last para of Assistant Director of Public Health's report dated 28-5-1945. Most of the irritating smoke and fumes are thus treated and rendered innocuous. Still a little quantity of smoke and fumes escape through the feeding inlets of the roaster and thence through a chimney over the inlet into the atmosphere and these escape into the neighbourhood wafted in the direction of the wind and taking certain amount of nuisance with them, only in the direction of the wind at that time.

After entering the factory we made the following study:

On entering the factory we proceeded straight to the hall where roasters were installed and got the ovens opened. The ovens were full of fire wood. There was also a heap of fire wood and a

small

small quantity of cashew shells in the vicinity of the ovens. The Proprietor said that the cashew shells were used occasionally at intervals in small quantities to maintain the temperature.

We also proceeded to the Drying section, got the oven opened and found it full of fire wood. There was some quantity of cashew shells in a small trough for occasional feeding. The centrifugaliser was in active operation.

The Collector of South Kanara also called for a report from me on the subject enclosing a copy of the complaints from the residents addressed to Government, Education and Public Health Department only and copy received by him. On this I called for a report from the Municipal Health Officer. I am enclosing a copy of the reports received from the Municipal Health Officer, which will give further useful information on the question of nuisance.

(ii) Shelling Section: On the date of inspection (24-10-1945) the number of persons (Women) working in the shelling Section was 583. From a perusal of the records kept in the factory of it is found that the number of workers employed in this section varies between 500 and 600 and this can be seen also from the figures given below:

Date	16-4-1945	1-5-1945	26-5-1945
No.	526	550	525

Date	1-6-1945	12-10-1945	22-10-1945	23-10-1945
No	532	575	573	591

(iii) Drying Section : In the drying section there are four chimneys in two rows, one northern and the other southern. Their heights are as follows:

Northern Row :	1 Western chimney	45 feet.
	2.Eastern chimney	38½ feet.
Southern Row :	1.Western chimney	35 feet.
	2.Eastern chimney	32½ feet.

In my opinion all the chimneys must be raised to a uniform height of 45 feet.

As already stated above the fuel used is mostly fire wood. Small quantities of cashew shells are used occasionally, stated to be for maintaining the temperature. These cashew shells are also centrifugalised before use. Still in my opinion no cashew shells should be used at all here, as, unlike the roaster section, there is no apparatus fitted here to burn off the fumes and smoke and render them innocuous.

(iv) Peeling Section.: On the date of inspection the number of persons (Women) working in this peeling section was 315.

According to the records kept in the factory, on the average about 300 women are employed, as will be evident from the figure given below:

16-4-1945	1-5-1945	26-5-1945
265	332	292

1-6-1945	12-10-1945	22-10-1945	23-10-1945
307	291	295	296

(v) Packing and Tinning Section.: On the date of inspection the section was not working. It was represented that it was closed some months ago and that it would not work for some time more as they have sufficient stock of prepared tins. No separate account for the workers employed in this section is maintained and it was stated that about half a dozen people are generally employed.

No stock of fire wood or cashew shells was seen near the oven in this section as the section was not working for sometime past and it was represented that fire wood alone was being used and would be used.

(vi) Water Supply : There are two wells in the Factory. The depth of water in the well on the northern side adjacent to the existing tiffin shed is 13 feet and the depth of water in the well on the southern side is 28 feet. The water was clear and appears to be of good quality. The Municipal Health Officer held it to be of good quality.

At the time of inspection the overhead cisterns were empty, stated to be due to the pump having gone out of order. The handle of the pump was not there. Water is supplied to the cisterns by pumping it from the wells. The Municipal Health Officer opines that the capacity of the overhead cisterns (of 2500 gallons) intended to supply drinking water to the workers is adequate. There are also a number of water coolers of about 15 gallons capacity kept at various places in the different sections.

(vii) Second Tiffin Shed : The pillars were raised to the basement level and foundations for the rest were being dug.

27/10/45

Commissioner.

Copy to the Director of Public Health, Madras.(Without enclosures).
Madras.

Enclosure.

C.No.1392/45

Office of the Municipal Health Officer,
Mangalore, Dated 24-10-1945.

From

Dr.M.Vallabha Rao, M.B.B.S.,
Municipal Health Officer, Mangalore.

To

The Commissioner, Mangalore Municipality,
Mangalore.

Sir,

Sub:Mizarcar's Cashew Factory - complaints about nuisance - remarks furnished.

Ref: Your letter R.O.C.No.C2/9478/44 Dated 19-10-1945 and reminder Dated 23-10-45.

Inspected the factory of Messrs.Mizar Krishna Annappa Pai & Co, at 9 A.M. on 22nd October, 1945. While approaching the factory from the Nehuru Avenue Road the irritating smell of Cashewnut oil fumes were not felt. Awaiting the arrival of the Proprietor, I had to sit in the office room of the factory which is situated within the four walls of the factory about 50-100 yards from the work spot. I could not perceive the smell of cashew oil fumes. After sitting for ten minutes in the office room I went to the place where the work was going on. (Roasting section). Oil fumes were coming out from the feeding inlet of the roasters and through the outlets from which roasted nuts were thrown out. Fumes were coming out of the roofs of the roasters which were made up of jointed plates due to the charring of the interposed asbestos. All along the device for completely charring the oil fumes which were sucked from a bent outlet tube from the roaster with the help of an exhaust fan, was working. In the halls where the roasters are situated, I could feel certain amount of irritation and choking. My stay at the roasters was for about half an hour and I felt the irritation and choking within me for some time. Probably this may be due to the fact that this was the first time that I was exposed to these fumes.

When I entered the shelling and pealing departments I felt a fair deal of relief as the irritation of the fumes is comparatively minimised to a greater extent. Then I took a round outside the factory along the eastern and northern boundaries of the factory. It was about 11 A.M. and on the road verging on the northern side of the compound (about 200 yards from the roasters) there was the occasional smell of cashew oil fumes. While returning from the factory on the Harijan Colony Road, I could not feel the smell of irritating fumes.

As the reply has to be hurried up I had no occasion to go round outside the factory on the Southern and Western side of the factory.

Sd. M.Vallabha Rao
Municipal Helath Officer
24-10-45

Copy to the Director of public Health, Madras.

/TRUE COPY/

27/10/45.

Commissioner.
Mangalore Municipality.

Enclosure 2.

Very Urgent
C.No.1392/45

163

Office of the Municipal Health Officer,
Mangalore, Dated 27th October, 1945.

From

Dr.M.Vallabha Rao, M.B.B.S.,
Municipal Health Officer,
Mangalore.

To

The Commissioner, Mangalore Municipality,
Mangalore.

Sir,

Sub: Mizarkar's Cashew Factory - complaints about nuisnace - further remarks - furnished.

Ref: Your letter R.O.C.No.C2/9478/44 dated 19-10-1945 and reminder Dated 23-10-1945.
2.This office letter C.No.1392/45 dated 24-10-1945.

In continuation of my report dated 24-10-1945, I am furnishing the following further information.

Inspected the surroundings including the sites said to have been not covered up during my previous report dated 24-10-1945 and the premises of the factory on 25th October 1945 at 9.30 A.M.

I approached the factory from the Sultan Battery Road, which joins the Harijan Colony Road (northern side of the factory) on which the factory is situated. No smell of irritating cashew oil fumes were felt by me. Entered the premises of 4 most of the houses which are situated on this road and enquired about the nuisance from the factory. Many of the inmates contend that the nuisnace is much less nowadays but depending on weather climate, direction of the wind there will be irritating cashew oil fumes in the atmosphere during some part of the day. While approaching the factory from the Harijan Colony Road (Eastern side) no smell of cashew oil fumes was felt by me. On enquiry in the row of houses situated on either side of the road almost all the persons gave a similar opinion as mentioned above. Enquiry from the people living in the two lanes opening to the Harijan Colony Road provided the same statement as the one mentioned above. No smell of oil fumes was felt on the remaining sides of the factory.

While entering the factory the smell of irritating cashew nil fumes was felt, and the same fumes were present in the office-room also. In the other departments conditions were the same as were described by me in my report dated 24-10-1945. The number of workers in the various departments were also about the same as on that date. While returning on the road opposite to the gate of the factory, smell of fumes was felt for a distance of about 100 yards. Enquiry at the Harijan Colony situated about the same distance from the factory where a number of harijans were living and in the Harijan school nearby gave me to understand that the nuisance was much mitigated and comparatively less. The teacher of the Harijan Colony said that the previous nuisance was so awful that the children in the school were constantly stimulated to cough and the existing condition were better.

Sd.M.Vallabha Rao
Municipal Health Officer
27-10-1945.

Copy to the Director of Public Health, Madras with reference to his letter R.No.18870-Hyg-45-21 dated 23rd October, 1945. In view of the reference my report C.No.1392/45 dated 24-10-45 may be perused simultaniously.

The nuisance experienced was not reported in my report C.No. 1392/45 dated 4-10-1945, as the information was not called for in your reference R.No.18870-Hyg-45-19 dated 21-9-1945 and the factory was not working then under the orders of Sub Divisional Magistrate. The Government Memo. said to have been(No.30040(A)-H-45-5-P.H., dated 3-9-45) enclosed in the same reference was not received by me.

/True copy/

27/10/45
Commissioner

R.O.C.C4-9478-44 Dated 1st November, 1945

From

Sri B.Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to Government,
Education and Public Health Department
Madras.

- NOV 1945

Through

The Chairman, Municipal Council, Mangalore.

Sir,

Subject: Licence - Mangalore Municipality - Cashewnut Factory of Mizar Krishna Annappa Pai Company.

Ref : Government Memorandum No.30040(A)-H/45-11 P.H., dated 19th October, 1945,
My letter R.O.C. C-4/9478-44 dated 26th October, 1945.

In continuation of my letter quoted above I have to submit the following further facts.

In connection with launching the prosecution against the Proprietors for running the factory in defiance of the orders of the Municipal Health Officer, and the direction of the Government and before carrying out all the improvements as per Government Memorandum No.30040(A)-H/45-5-P.H., dated 3rd September, 1945 the legal position was examined and discussed with the Municipal Standing Counsel Sri M.P.Kini. The Municipal Standing Counsel opines that even in this case failure to pass final orders on the licence application for 1945-46 within 30 days after its receipt as required by Sec.321(ii) of the Madras District Municipalities Act is an unfavourable point for the success of the prosecution. Such orders were not passed by the then Municipal Health Officer pending receipt of the suggestions of the Director of Public Health and this fact was also reported to Government in my N.Dis.9004/45 dated 28-8-1945 when my remarks were called for by Government in their Endorsement No.30040 A/H/45 Rx P.H., dated 13-8-1945 communicating to me a copy of the petition of the proprietors praying for orders of withdrawal of the prosecution.

I enquired of the Municipal Standing Counsel whether their above contention could hold good in view of the following facts:

1. The application was not made by the proprietors for the licence thirty days before the end of the year as required by Sec. 249(5) of the Madras District Municipalities Act to be entitled to protection under Sec.321(ii) of the said Act, granting this to be a case of renewal. (It is also doubtful if this can be considered a case of renewal since the proprietors did not hold a licence in 1944-45.)

2. The Government have also intervened and gave certain directions both regarding mitigation of nuisance as well as regarding grant of licence. Interference of Government is provided for by Sec.252 of the Madras District Municipalities Act and it can be presumed that the Government have intervened in exercise of the powers under this section, though it was not stated so in their orders. This intervention, in my opinion, over-rides all the previous happenings.

3. Ever since the Inspection Notes of the Assistant Director of Public Health, Rao Bahadur Dr.A.Thirumaliah were communicated, the proprietors showed a spirit of compliance and obedience to the directions, prayed repeatedly for the grant of the licence and at a late stage thought fit to defy. This conduct cannot support their contention that they should be deemed to be licencees under Sec.321(ii) of the Madras District Municipalities Act.

The Municipal Standing Counsel expresses inability to give any definite opinion on the merits of the above points, but says that they could be adduced in the course of the arguments.

Lastly

Lastly, when the Municipal Health Officer was asked to take action regarding the prosecution of the proprietors, he states that the Government Memorandum quoted above referred to only my action (regarding initiation of proceedings), evidently meaning that there was no direction to prosecute. This also raised a further doubt.

Under the circumstances and facts submitted above, I feel it advisable to take definite instructions from Government. I, therefore, request the favour of urgent instructions as to whether the prosecution is to be launched or not.

2/11/45

Commissioner

Forwarded

7.11.45

Chairman, M.C.

X

3 0 8 40 A-13

7.11.45

The main file on [illegible] Cashew nut factory in Mangalore has been sent to H.P. W.D. on 7-11-45. The action taken may perhaps be awaited till 15-11-45.

9/11/45

Bolur, Mangalore
Dated 20th Octbr 1945.

502

The Secretary,
Education and Public Health Department,
Fort St.George, Madras.

- NOV 1945

Humble representations of the residen
ts of Bolur Village, Mangalore.

Respected Sir,

With deep sorrow we beg to bring to your ki
kind notice the following mortalities that took place round
about the Mizarkar's Cashew factory.

Your know very well how the health of the residents of the said locality has been affected by the pungent smoke of the cashewnut factory.

As a result of this I am bringing the following deaths to your notice.

Mr & Mrs. Bhosha Rai, residents of house T.
No. 1545 of Bolur ward died of T.B. of Lungs. Mr. Pakira Shetty and his brother-in-law Koraga Shetty died of T.B. of lungs very recently in the same place. The death of Lakkamm Maistry's son in front of the factory premises was very pathetic. He also died of consumption.

Today morning Mr. Badruddin Saheb's son died of consumption. Mr.Chandraya Achary's wife is lingering fro T.B. and is awaiting death.

Dear Sirs, kindly consider all these mortalities from the havoc of cashew fumes and take pity on the poor inhabitants of Bolur.

We beg to remain
Sirs
Your most obedient servants.

1) [illegible]
2) [illegible]
3) [illegible]

Copy to the Collector of
S.K., Mangalore.
Copy to the Chairman-in-Council,
Mangalore Municipality.
Copy to the Vice-Chairman,M.C.
Copy to the Commissioner,M.M.
Mangalore.

[illegible]

4) [illegible]

5) P. P. Sequeira

6) [illegible]

7) B.J.S. Sequeira

8) J. Souza

9) B. Subraya.

10) L. Lobo Naik

11) M. Cutinha.

12) D. Gonsalves

13) [illegible]

14) [illegible]

15) Anna Mary Fernandes.

16) Magdalen Fernandes

17) B. Saraswathi Bai

18) R. Chandrappa [illegible]

19) [illegible]

20) [illegible]

21) [illegible]

[illegible]

2) [illegible]

2) Mrs. Hilda Fernandes

2) [illegible]

2) [illegible]

+ John Sequeira

52288

Code

INDIAN POST AND TELEGRAPH DEPARTMENT.

Recd. at H. M.

From

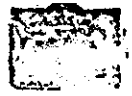
Office of Origin.

MADRAS
10 NOV
C.T.

Recd 11.5 Am 10/11

TO O/OB MANGALORE KNA 15:225 THE SECY TO GOVT EDUCATION PUBLIC HEALTH MADRAS =

MUNICIPAL COUNCIL MANGALORE WHILE REJECTING THE APPEAL PASSED FOLLOWING RESOLUTION AT ITS MEETING YESTERDAY & AUTHORISED ME TO COMMUNICATE TO GOVT BY WIRE THIS COUNCIL STRONGLY CONDEMNS THE ACTION OF M / S MIJAR ANNAPPA PAI & CO IN RUNNING THE FACTORY & ROASTING CASHEWNUTS FROM 10/10/45



Code INDIAN POST AND TELEGRAPH DEPARTMENT

Rcvd. at ____ H, ____ V

From ____

By ____

Office of Origin.

TILL THIS DATE DAY AND --50-- NIGHT INSPITE OF THE MUNICIPAL HEALTH OFFICERS ORDER REFUSING LICENSE & INSPITE OF THE FACT THAT THEIR APPEAL HAS BEEN STILL PENDING BEFORE THIS COUNCIL THIS COUNCIL VIEWS WITH GREAT ALARM THE HIGH MORTALITY IN THE NEIGHBOURHOOD OF THE FACTORY SINCE SEPR 1943 ON ACCOUNT OF ASTHAMA BRONCHITIES & CONSUMPTION

-/100-/

Code INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Recd. at ____ H ____ M
From ____
By ____

Office of Origin.

MADRAS
16 NOV 45

AND THE LARGE NUMBER OF PATIENTS SUFFERING EVEN
NOW & THE ILL EFFECT OF THE PUNGENT & IRRITATING
SMOKE FROM THE FACTORY & REITERATING ITS
RESOLUTIONS NO 73 DATED 29/11/1935 & 81 DATED
7/5/45. & RESOLVES (1) THAT THE EXECUTIVE SHOULD
TAKE URGENT STEPS TO STOP FORTHWITH ALL BURNING
OPERATION AT THE FACTORY (2) THAT IMMEDIATE STEPS

Code INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

MADRAS
10 NOV 45
C.T.O.

Recd. at ____ H ____ M
From
By
Office of Origin.

SHOULD BE TAKEN TO REMOVE THE FACTORY FROM THE LOCALITY (3) THAT NO LICENCE SHOULD BE GRANTED FOR ANY OPERATION CONNECTED WITH THE CASHEW NUT INDUSTRIES IN THAT AREA (4) THAT THE OWNERS OF THE FACTORY SHOULD BE PROSECUTED -/200/-

FOR ROASTING CASHEWNUTS DAY AND NIGHT WITHOUT LICENSE FROM 10/10/45 TILL THEY CLOSE

: MUNICIPAL COMMISSIONER :

E & P.H (4)

From The (177) Comm^r Mangalore Municipality - Telegram Dt. 15/11/45

URGENT. Memo. No. 30040A - 11 - 14-P.H. Dated. 20-11-45

Dt. Secretary Licence — Mangalore Municipality

20/11 Cashewnut factory of Mizar Krishna Annappa Pai & Company -

Referred to the Coll^r of South Kanara for early remarks.

20/11/45

To Dr. with note
28/11/45

The Coll^r. 20.11.45

Collector of South Kanara.

(Letter Rec^d Mem^o)

(Comm^r's Telegram to be ref^d with reply)

Urgent.

C4-9478-44

Municipal Office, Mangalore,
Dated the 16th Novr.1945.

From

Sri B. Suryanarayana Rao, M. A.,
Commissioner, Mangalore Municipality,
Mangalore.

Through

The Chairman, Municipal Council,
Mangalore.

Sir,

Subject: Licence - Mangalore Municipality -- Cashew factory belonging to Mizar Krishna Annappa Pai - Council's resolution - communicated.

I beg to confirm my telegram of yesterday on the above subject reading as under and to enclose a copy of the council's resolution passed at the meeting held on the 14th November 1945 rejecting the appeal for the information of Government and such orders as kindly deemed fit.

Copy of telegram.

To

The Secretary to Government,
Education and Public Health Department,Madras.

Municipal council,Mangalore while rejecting the appeal passed following resolution at its meeting yesterday and authorised me to communicate to Government by wire.

This council strongly condemns the action of Messrs Mizar Annappa Pai & Co in running the Factory and roasting Cashewnu s from 10- 10- 1945 till this date day and night inspite of the Municipal Health Officer's order refusing licence and inspite of the fact that their appeal has been still pending befo this council.

2. The council views with great alarm the high mortality in the neighbourhood of the Factory since September 1943 on account of Asthama, bronchities and consumption and the large number of patients suffering even now due to the ill effect of the pungent and irritating smoke from the factory and reiterati its resolutions No.73 dated 29-11-1935 and 81, dated 7-5-1945 resolves:-

1) That the executive should take urgent steps to stop forthwith all burning operations at the Factory.

2) That immediate steps should be taken to remove the factory from the locality.

3) That no licence should be granted for any operation connected with the cashewnut industries in that area.

4) That the owners of the factory should be prosecuted for roasting cashewnuts day and night without licence from 10-10-1945 till they close.

16/11/45
Commissioner.

Forwarded:

17-11-45.
Chairman, M.C.

Extract from the Proceedings of the Municipal council, dated the 14th November 1945.

Appeal petition dated the 25th September 1945 from Messrs Mizar Annappa Pai & Co. against the order of the Municipal Health Officer, refusing grant of licence to their Cashewnut Factory and the remarks of the Municipal Health Officer thereon.

When the subject was taken up for consideration Messrs C. L. Lobo, B. Gangadhar Das, M. S. Sreshta, J.S. Suvarna Rao Saheb P. R. R. Punja, M. Mukunda Nayak, and A. Shanker Alva spoke on the subject. Heard Sri M. Annappa Kamath B.A.B.L., Vakil again for the appellants. After mature consideration of the case the council resolved that:

The council sees no valid reasons to interfere with the orders of the Municipal Health Officer and the appeal is therefore rejected, Sri M. Mukunda Nayak alone dissenting.

The following resolution was moved by Mr.C.L.Lobo, Vice-chairman, and seconded by Sri B.Thimmappa Shetty that:

This Council strongly condemns the action of Messrs.Mizar Annappa Pai & Co. in running the Factory and roasting cashewnuts from 10-10-45 till this date, day and night inspite of the Municipal Health Officer's order refusing licence and inspite of the fact that their appeal has been still pending before the Council.

2.The Council views with great alarm the high mortality in the neighbourhood of the Factory since September 1943 on account of Asthama, bronchities and consumption and the large number of patients suffering even now and the ill effect of the pungent and irritating smoke from the factory and reiterating its resolutions No.75 dated 29-11-1935 and 81 dated 7-5-1945 and resolves:-

1) That the executive should take urgent steps to stop forthwith all burning operations at the factory.
2) That immediate steps should be taken to remove the factory from the locality.
3) That no licence should be granted for any operation connected with the cashewnut industries in that area.
4) That the owners of the factory should be prosecuted for roasting cashewnuts day and night without licence from 10-10-45 till they close.

Sri M.Mukunda Nayak opposed the resolution. After some discussion the resolution was put to vote and carried by a majority of 14 against 1.

Proposed by Mr.F.Pais and seconded by Mr.M.S.Sreshta that the above resolution be communicated to Government by WIRE.

Carried Sri M.Mukunda Nayak dissenting.

Sd/H.Hoosien Saheb
Chairman, M.C.

(True Copy)

16/11
Commissioner

Compd:- 16/11

M.Mukunda Nayak, B.A.,

183

Sri Krishna Bhavan,
Mangalore, D/15-11-'45

The Chairman,
Municipal Council,
Mangalore.

Sir,

Please record my following dissenting note in connexion with the Council Resolution dated 14-11-1945, dissenting the appeal petition of Messrs.M.K.A. Pai & Co.

The dismissal of the appeal is not justified on the following among other grounds:

1. The appellants had applied for licence (a) for working Electric Motors and (b) for roasting cashewnuts, and that not being refused within one month of the application and payment of fees, the appellants should be deemed to be licencees under section 321(11) of the M.D.M.Act. The fact of the Government's withdrawal of prosecution against the appellant, supports this view, and as there was divergence of opinion among councillors, the matter could have been referred to the Legal Adviser for opinion before dismissing the appeal.

2. The Government have no powers apart from the provisions of the M.D.M.Act to require the factory to be closed.

3. The appellants have carried the work as directed by the A.D.P.H. in his inspection notes dated 28-5-1945, in the manner stated by him. The work stated to be urgent having been carried out a licence ought to have been granted subject to further conditions if necessary.

Yours truly
Sd/Mukunda Nayak
Councillor, M.M.

/True copy/

20/11

Commissioner

Municipal Office, Mangalore,
Dated 19th November, 1945

M.Mukunda Nayak, B.A.,

Sri Krishna Bhavan,
Mangalore, D/15-11-'45.

185

The Chairman,
Municipal Council,
Mangalore.

Sir,

Please record my following dissenting note in connexion with the council resolution moved by Mr.C.L.Lobo and seconded by Mr.B.Thimmappi Shetty on 14-11-1945.

1. The Resolution is irregular as notice of it has not been given in the agenda as required by G.O.No.3464 dated 3-9-1938. It was introduced at the meeting and passed.

2. The allegations contained in the resolution are not true as there is no evidence that the mortality due to any cause in the area complained of is more that in any other area.

3. The report of the M.H.O. says that they have installed necessary machinery to absorb all smoke under directions of the A.D.P.H. and are employing only firewood as per directions of the ~~Ex~~ R.D.O., Mangalore. And hence, there cannot be any pungent smoke issuing and hence no source of public nuisance. The opinion of the jury appointed in the criminal case is clear that there is no nuisance. There is no report from the M.H.O. to indicate that the working of the factory injuriously affects the health of any part of the neighbourhood or is a source of any nuisance.

4. The A.D.P.H. has not considered the closing of the factory necessary in the interests of public health.

5. The opposition seems to be due to an organised effort of an interested faction.

6. The factory has been in existence for the last 15 years without any complaint and there is no reason to close it now when improvements for absorbing smoke have been carried out.

7. The closing of the factory would mean the shifting of one of the few industries of this place which gives employment to over a thousand persons, giving rise to an important export trade of this country.

8. It is not proved by any satisfactory evidence that the working of the factory, was the cause of any pulmonary diseases.

Yours truly,
Sd/Mukunda Nayak

/True copy/

20/11

Commissioner

Municipal Office, Mangalore,
Dated 19th November, 1945

Mangalore,
22nd November, 1945.

To

The Secretary,
Public Health Department,
Fort St. George, MADRAS.

53910

Memorial of the Residents of Urva, Mangalore.

Sheweth:

We the undersigned residents of Urva, who are living within a radius of a furlong from the factory of Messrs.Mizar Krishna Annappa Pai & Co., beg to make the following representation

We have come to know that a resolution has been passed on 14-11-1945 by the Mangalore Municipal Council to the following effect:-

"Moved by Mr. C.L.Lobo, Vice Chairman and seconded by Sri. B.Thimappa Shetty. ' This Council strongly condemns the action of M/s. Mizar Annappa Pai & Co., in running the factory and roasting cashewnuts from 10-10-45 till this date day and night in spite of the Municipal Health Officer's order refusing licence and inspite of the fact that their appeal has been still pending before this Council.

This Council views with great alarm the high mortality in the neighbourhood of the factory since September 1943 on account of asthma, bronchitis, and consumption and the large number of patients suffering even now and the ill effect of the pungent and irritating smoke from the factory and reiterating its resolutions No.73 dated 29-10-45 and 81 dated 7-11-45 and resolves:-

(i) That the executive should take urgent steps to stop forthwith all burning operations at the factory.
(ii) That immediate steps should be taken to remove the factory from the locality.
(iii) That no licence should be granted for any operations connected with the cashewnut industries in that area.
(iv) That the owners of the factory should be prosecuted for roasting cashewnuts day and night without licence from 10-10-45 till they close"

We also understand that the above resolution has been telegraphically communicated to the Government.

We beg to state that we have been residing in the locality said to have been so vitally affected by the working of the factory for the last over fifteen years and we want to entirely dissociate ourselves from the statements of fact made in the said resolution and the desire expressed to have the factory closed immediately.

We the signatories constitute the entire residents of the locality except four or five persons who are inimically disposed towards the owners of the factory. We have to submit that the statement made in the resolution that the mortality in the neighbourhood of the factory since September 1943 on account of asthma, bronchitis and consumption has been high and that a large number of patients are still suffering from the ill effect of the pungent and irritating smoke from the factory is not true to facts.

On account of the recent improvements made by the owners in the factory all the smoke is rendered innocuous and there is absolutely no trouble to the residents.

The resolution expressing alarm has been got moved at the instance of Mr. C.L.Lobo, who has been appearing for the aforesaid enemies of the Mizarkars with the help of his supporters in the Council taking advantage of the absence of the majority without giving prior notice of the resolution and without having it included in the agenda. The resolution has not been passed at the instance of any person elected by the residents of the locality and is intended only to serve the private ends of a few persons.

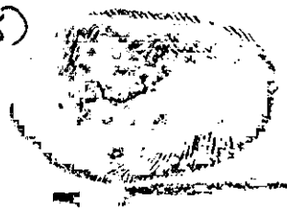
We beg to state that is not necessary to close the factory in furtherance of our so called interests.

Impression of Jamna Bujang Nephew of Pakira - Tin Worker - residing at Derva

2) R. Narashimha Nayak S/o Allal Anantha Nayak - residing at Derva Mangalore Town.

3) L. of Meddanna Shetty S/o Kraga Shetty - Driver - residing at Derva Mangalore Forest.

4) L. Narayana Shetty S/o Jagg Shetty - Tin Maker - Derva - Mangalore.



5) L. Impression of Basappa Amina S/o Doomappa Amina - residing at Derva - mangalore Town.

6) R. Thukkappa S/o Seebo shopkeeper Derva mangalore

7) of Thukru Hengsu S/o - Dalira, Shop Keeper. Derva - mangalore.

(8) [illegible]

(9) [illegible] S/o M. C. Saram, Residing near Wireless Compound, Urva, Mangalore.

(10) G. Peter - Wireless Compound, Urva Mangalore.

(11) S. Madhava Guttedar Urva Mangalore

(12) B. Manjappa Firewood Merchant Near wireless compound urva Mangalore

(13) [illegible] Guttedar Residing near Sultan Battery Rd. Mangalore

(14) [illegible] - Residing near Urva Manjusha Bolar, Mangalore.

(15) [illegible] - Contractor, Residing, near Urva Marigudi, Bolar, Mangalore

(16) [illegible] Land lord residing near N. T. Co. Bolar Mangalore

(17) K. Vamaya Shetty. Businessman. Near Sultan Battery Road. Mangalore.

(18) U. Sanjeeva. C/o. U. Krishnappa near U. Chandappa's House wireless. Maidan Mangalore

(19) Nakaraya Carpenter residing near Marigudi Urva Mangalore

19. N. Shamanaya Prashanth Urva marigudi Temple mangalore

190

20. Mallikamba vice president
Bolar Panchayat Court.
Mangalore

21 M Shivarama. Residing in Marigudi
Compound. Urva Mangalore.

22 B. Kushalakar Son of Padmanabhaya Bolar Mangalore

23 Sri. Thirth. Son of Thyagaraja Sooray residing near Ghoregarus
Compound. Urva mangalore

24 Krishnappa Pot-maker residing in Marigudi
Compound Urva Mangalore

25 ಅಚ್ಚುತ್ತಕನ್ನಡ Pot-maker residing in Marigudi
Compound Urva Mangalore

26 B. Padmanabha Un maker residing near Malada-Ka
Road Bolar Mangalore.

27 M Ramesh River residing in near Krishnapura
House Urva Mangalore

28 Sadoo Shekara Bolar mangalore.

29. Uthama Shetty residing near Malada-Kavi
Bolar mangalore.

30 ರಾಮ ರ Residing near Malada-Kavu Road
Bolar Mangalore

31 ಮಾಯಿಲಪ್ಪಯ್ಯ Residing near Malada-Kavu Road
Bolar Mangalore

32 Gopinatha Residing near Malada-Kavu
Road Bolar Mangalore.

33. ಬಾಲಕೃಷ್ಣ Residing near Malada-Kavi
Bolar Mangalore

34 (Sd) K. Chathu Residing near Malada Kavi Rd. Urva, Mangalore

35 Joseph Miranda residing near Badrans
Bandar Colony, Malada Kavi Rd. Mangalore

36. Simon D'Souza Late Sebastian D'Souza. Residing
in Sri Lan Battery Road Mangalore.

37 [redacted] (91) Compounder, residing at Sullia Bakery Road Bolor Mangalore

38 Rama Bai residing at Matadhakhan Road, Bolor, Mangalore.

39 [redacted] residing at Matadha khan Road, Bolor, Mangalore.

40 [redacted] S/o, Hanel Dwadas, residing at Matada Khani Compound, Bolor Mangalore.

41 John D'Souza S/o Pascal D'Souza residing at Mattada Kani, Bolor, Mangalore

42. [redacted] Jatka Driver, residing at Matadha Khan road, Bolor mangalore.

43. [redacted] S/o Unit, residing at Sullia Bakery Road Bolor mangalore

44 [redacted] owner of Coffee club Sullia Bakery Road Bolor mangalore

45. [redacted] Land Lord, residing near Sullia Bakery Road, Bolor Mangalore

47 Fredrick D'Cardoza, Black Smith Machinery Sullia Bakery Road. Bolor mangalore

48. V. Narayana Bhandary. Barber, residing at near patels home, Bolor, Mangalore.

~~B. Ramanagalam~~

49. B. Ramana. Wiva Mangalore.

50. V. V. Das. Bangle Shop keeper, residing at Marijuri, Bolor, Mangalore.

[redacted], C/o Parameshwara. Bolor Bokapatna (Matada Khan)

52. [illegible], merchant, Urwa mangalore

53 [illegible] Shop keeper, Urwa, mangalore.

54 Shishoppa.. Barber, Shop keeper, Urwa Mangalore

55. Panchmal Laxman Prabhu Merchant Urwa Market Mangalore

56. H. A. D'Souza Tailor, Urwa, Mangalore.

57. [illegible] - Carpenter, Residing at Marigudi Bolaar. Mangalore

58. [illegible] Ullal Dargah Road Bolar Mangalore

59. M Rotta Driver, residing near Mangaladi; Urwa Bolaar mangalore.

60. Shivisha Chandra. Bolaar. Mangalore.

61 [illegible] Shop keeper, Urwa Mokhadari, Residing at Malada Kari, Bolaar, Bodkapadva Mangalore

62 [illegible] S/o Joseph Fernandes. Urwa. Near John Lewis house Urwa. Mangalore

63: [illegible] S/o. B. J. S. Segueira. Urwa. Mangalore. (Near R.T. company Urwa

64 [illegible] Tailor residing at Mangalore

65 [illegible] Temple Urwa mangalore.

66 [illegible] Handloom Weaver residing near John Segueira & Sons Bolaar mangalore

67 [illegible] Tailor residing at mango garden Bolaar mangalore

68 Govend Rao J. Baigale Urva Mangalore

69 M. Ananda Tailor residing opp to U. Krishnappa urwa Mangalore

70 [illegible] Tin maker. Sultan Battery Rd Mangalore

71 U Kanthappa. Badi Manufacturer residing near. N. T. Co. Bolour Mangalore

72. T. Lingappa. Broker residing near N. T. Co Bolour mangalore

73 Ramachandra Tailor residing near moriguddi Temple urwa mangalore.

74. [illegible] residing at Mango garden Bolour Mangalore

75 H madhava Pai Salesman residing at Sultan Battery Road Mangalore

76 [illegible] carpenter residing near Moriguddi Mangalore

77. [illegible] coolie residing at urwa mangalore

78. [illegible] weaver residing near Chuppayya house urwa mangalore

79 [illegible] weaver working at John Sequeira & Sons Bolour mangalore

80 [illegible] Contractor, residing at Manjeshwar, Bolour, Mangalore.

81. M Narayana Police Constable No 382, Gd AR residing at Manjeshwar, Bolour mangalore.

82 K. Ranga. PC. 1043 Wireless Compound Bolour mangalore

83 [illegible] weaver working in John Sequeira & Sons Bolour mangalore

84 [illegible]. packer residing near patels house Bolour mangalore

86. Raimanattha Tin maker residing near N.T. Co 194 Bolour Mangalore
87 ಎಚ್ಚಮಣ Tailor residing near A.J. Theatre Coffee Owner house Mangalore
88 ಮಿ: ಕೃಷ್ಣಾಪೈಣ್ಣ Tea Seller, Residing near Maigur Bolour Mangalore.
89 V. Joomjee Tailor, residing at Urwa Bazaar Bolour Mangalore.
90
91 ಪಾಣೆಮಂಗಳೂರು Hotel Keeper, Urwa Mangalore.
ಅಬ್ದುಲ್ ಖಾದರ್ Hotel Keeper, Urwa, Mangalore.
92. M Bada. Barber, Urwa. Mangalore.
93 ಎ. ಪಾಲಿಚೆಟ್ಟಿಯಾರ್ Beedi Factory. Wireless Compound Bolour Mangalore.
94 ಪದ್ಮನಾಭಯ್ಯ ಹೋಟೆಲ್ Hotel Keeper, Urwa Mangalore.
95 ಎಂ ಕೆ ಎನ್ ಪಿ ಎಲ್ Municipal Contractor, Bolour Mangalore
96 Vamana Nayak. Urwa Mangalore.

L.S. Kanaraj

97. Mrinkinto 22.11.45 residing at Mango. Garden Urwa Bolour, Mangalore
98 ಕೆ ಬಿ ಎ ಕೃಷ್ಣಯ್ಯರ್ - Conf. residing at Wireless Compound near Bolour, Mangalore
99 ಶ್ರೀ ಎಂ ಶೆಟ್ಟಿಯಾರ್ ಎ residing near Rama Rai's Compound Urwa Mangalore.
100. V. S. Archen Archen House Wireless Compound Urwa Mangalore.
101. P. Venkat Rao Teacher Bolour Mangalore
102. ಡಾಕ್ಟರ್ ಪ್ರಭಾಕರ್ Prachuta Bolour Mangalore
105 M. Srinivas Mallya medical practitioner Urwa Mangalore
Jamma Bai. residing near Urwa Mariguri Bolour Mangalore

L.T.I. J Ketcha Heegon. residing near Ghar Lazarus house Bolour Mangalore.

1. Joakim Lobo residing near Johni Lewis Compound, Urwa Mangalore.

1 L.T.I. of Patrick Pereira residing near of Lewis's house Urwa Mangalore.

2. L.T.I. of Kraga Pereira Coolie, residing near N.T. Company, Urwa Mangalore.

L.T.I. of Guddappa Poojary residing near Marigadi Bolar, Urwa Mangalore.

L.T.I. of Gurrappa S/o Sitthappa residing at Sultan Battery Road Mangalore

L.T.I. of Francies Fernandes residing at Wireless Compound Mangalore

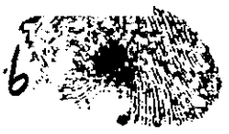
L.T.I. of Manuel Fernandis residing near patels house Bolar Mangalore

L.T.I. of Subappa residing near Urwa market mangalore

L.T.I. of Babu Moyuna residing near Wireless maidan Bolar mangalore

L.T.I. of Jan Mohd Landlord residing near N.T. Co Bolar Mangalore

L.T.I. of B. Krishna, Merchant residing at Wireless Compound Urwa Bolar Mangalore.

196  L. T. I. of ... poojary ... residing near ... Mangaladevi Temple Mangalore

L. T. I. of Gurappa Naik, S/o Thimappa Bolar Mangalore.

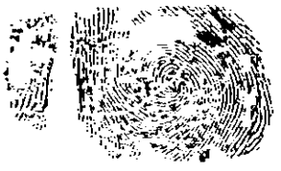
L. T. I. of Gurva Selty ... Weaver residing at Thimappa's House Ullal, Mangalore

L. T. I. of Poorappa ... residing at Mangaladevi Bolar, Mangalore

L. T. I. of Adithappa Shetty Cooly residing near Ullal Mangaladevi Mangalore

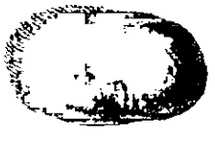
L. T. I. of Thimappa residing near John Sequeira & Sons Mangalore

L. T. I. of Thimappa Cooly residing near Ullal Market Mangalore

 L. T. I. of Subba Merchant Ullal Market Mangalore

L. T. I. of Narsu Cooly residing at Wireless Compound Bolar, Mangalore

L. T. I. of Mundappa Shetty Cooly residing at Wireless Compound, Bolar Mangalore

 L. T. I. of Muddana Shetty Cooly residing at Wireless Compound, Bolar, Manga

B Ramakrishna Rao: Bolour Mangalore

Shop Keeper Urwa market
Mangalore

(S) Konya Shetty Shop Keeper residing N/o Medelana
R.B. Babu near morigudi Temple mangalore
- Bolour mangalore
Bolour Mangalore

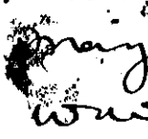
Agnes D Souza. Near John Segunia house
Bolour, mangalore

L.T.I. of Lachu Hegde, residing
John Segunias house, Bolour
mangalore.

Mrs Mary Hilton. residing near John
Segunia house. Urwa Mangalore.

Mr. ~~John de~~ Mathew Hegde.
residing in front of John Segunias
house Bolour Mangalore.

D'W Dias of Bolour Baker near John Segunia
residing near Urwa mangalore



L.T.I of the Marketer, residing
in John Segunia Compound, Bolour
mangalore.

Ganesh. D'Souza, Tin Maker, Go Maurice
Urwa Mangalore

198

Tailor Near Mantri House
Bolar Mangalore

L.T.I. Babu Shetty Dio Keeper near Mantri
House Bolar Mangalore

Koropadu Hengsu Hotel Keeper. Near
John Segni house Bolar Mangalore

Teacher Bolar Labour School
writers Compound Mangalore

L.T.I. of Pyya Koojar. Near Shuddapk.
house Bolar Mangalore

Varna poojari Near Shuddapk house
Bolar Mangalore

Appala Kidiyu attender Madhva near
Uttara Manjunathi Temple Mangalore

Louis Saquina Mo. Baby Sequina, Stenographer
Mangalore in Uttara Bolar Mangalore.
Clerk, Stenographer in Uttara
Mangalore.

L.T.I. of Dooma, Stenographer
Cross Campus Uttara Mangalore.

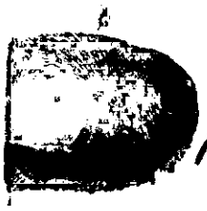
Cook. Stenographer in Uttara
Bolar Mangalore.

L.T.I. of - Appanna Tailor
Uttara Mangalore.

K. Shanka Rao, Uttara Mangalore
L.T.I. of Paka near Mejestic
Bolar Mangalore.

Z Devappa residing at Wireless compound Bolar Mangalore.

L.T.I. Z Annappa residing near Wireless Compd Bolar Mangalore.


H.J. Thimappa. residing at Marisudiay Bolar Mangalore.

A.J.J. residing at Urwa, Mangalore.
A.V.S.

L.H. Gadda Poojary residing at Bolar Mangalore.

L.H. Poorappa residing in Wireless Compound, Urwa Mangalore

L. Devana Shetty residing in Bolar Urwa Mangalore.

L. Luna Shetty residing at Wireless Compound, Bolar, Mangalore.

Mrs Roman Fernandes, C/o John Lagina. Urwa mangalore.

L.T.I. Chinnappa Gowda residing at Bolar Mangalore.

L.T.I. Johnson Mokadam residing at Krishnappa's house, Urwa Mangalore.

Harijan Colony, [illegible]

1 M. Shankara Harijan Colony. [illegible]

2 Dilkumar Harijan Colony. [illegible].

3 B. Babu. Harijan Colony. [illegible]

L. T. J. Angara. Harijan Colony. [illegible].

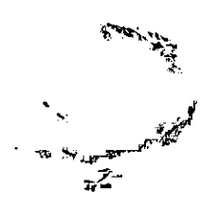
M. Bowder Harijan Colony [illegible].

K Mundappa Harijan Colony [illegible].

J. N. Saenan Harijan Colony [illegible].

[illegible] Harijan Colony [illegible].

Harijan Colony [illegible].



L. T. J. Thulan.

P. Pudon. Harijan Colony [illegible].

Harijan Colony [illegible].

~~Gadwa~~
Garwa.

N. Parmesha.. Harijan Colony road.
[illegible]

L. T. J. Basa Harijan Colony road

202

Han Sankara. Harijana Colony Road

Purala. Harijana Colony

Copies to:-

(1) The Commissioner of Labour, Chepauk, MADRAS.

(2) The Director of Public Health, Egmore, MADRAS.

(3) The Inspector of Factories, VIII Circle, CALICUT.

From K.M. Unnithan Esq., I.C.S.,
Inspector of Mi. Cls. & Local Boards,
Madras.

5285

203

To The Secretary to Government,
Education and Public Health Department

Roc. No.16795/45 B.5 Dated. 17-11-45.

Sir

Subject:- Licence - Mangalore Municipality - Cashewnut factory of Messrs Mizar Krishna Annappa Pai & Co. - nuisance caused by the working of - Inaction on the part of the Commissioners and Municipal Health Officer.
Ref:-My letter Roc.16795/45 B5 dated 7-9-45.

I request to be informed of the orders passed by Government in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

D. Subbarayasastri
For Inspector

CM/19-11.

19/11

20 NOV 1945

URGENT
R.O.C.C4-9478-44

105 Municipal Office, Mangalore,
Dated 19th November, 1945

From

Sri B.Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

53227

22 NOV 1945

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Thro' The Chairman, Municipal council, Mangalore.

Sir,

Subject: Licence - Mangalore Municipality - Cashewnut Factory of Mizar Annappa Pai Company - Instructions on the Council Resolution - Requested.

Encls. 2. Ref : Government Memorandum No.30040-(A)-H/45-1 P.H., dated 19-10-1945.

In para 1 of the Government Memorandum quoted above I was instructed to forward to the Government a copy of the proceedings of the Council on the appeal from the Proprietors of the Cashewnut Factory. I communicated a copy of the resolution by wire (as resolved thus by the Council) and a copy of the entire proceedings in my letter C4-9478/44 dated 16-11-1945 while confirming the telegram. The Chairman has since received dissenting notes from the councillor who dissented from the resolution. I am enclosing copies of them also.

The appellants need to be informed of the result of their appeal. I am communicating, therefore, that portion of the proceedings in which the appeal was rejected and which reads thus:

"The Council sees no valid reasons to interfere with the orders of the Municipal Health Officer and the appeal is therefore rejected" ~~Sri M.Mukunda Nayak alone dissenting~~.

The rest of the resolution chiefly contains directions to the Executive as to the action to be taken including prosecution of the proprietors for roasting cashewnuts without licence from 10-10-1945 till they close. In continuation of my previous communications on the subject, I request for instructions as to the action to be taken by me on the various directions in the resolution of the Council referred to above.

20/11

Commissioner

Forwarded.

20.11.45.

Chairman

207

Mangalore,
22nd November, 1945.

To

The Secretary to Government of Madras,
Public Health Department,
Fort St. George, MADRAS.

26 NOV 1945

5311

S i r,

We the labourers working in the factory of Messrs. Mizar Krishna Annappa Pai & Co., having come to know of the resolution of the Mangalore Municipality dated 14-11-1945 urging the closure of the aforesaid factory beg to make the following representations:-

We beg to submit that the statement of alleged facts in the said resolution regarding the high mortality in the locality since September 1943 on account of Asthma, Bronchitis and Consumption is not true to facts. It is also not true that at present a large number of persons are suffering from the ill effect of the pungent and irritating smoke from the factory. That the mortality in the locality due to any cause is not higher than in any other part of M angalore can easily be verified by calling for statistics on the subject.

We further beg to submit that as desired by the Assistant Director of Public Health the owners of the factory have recently effected best improvements in the factory. Only firewood is now being used for burning operations and all the smoke is taken through confined space and is burnt by using Centrifugalising apparatus and the smoke is rendered entirely innocuous. As such there is no cause for alarm.

The statement made in the resolution that the factory has been working day and night is not true to facts.

We beg to state that over 1000 persons are daily working in the factory. They have been so working in the factory for the last over thirteen years and have not felt any evil effects. Being the persons in the factory we would have been persons to be most affected if the statement now made in the resolution were true.

We submit that the closure of the factory would mean the deprivation of the means of livelihood to us and our families who have all along been depending upon the wages earned by us for our sustenance. We have come to know that the aforesaid resolution has been got passed at the instance of a few persons who are inimically disposed towards the owners of the factory and we submit that such a resolution should not be made the ground for stopping an enterprising industry which affords employment to a large number of families of Mangalore.

Under the circumstances we pray that no orders for stopping the working of the factory may be passed.

Yours faithfully,

Schilling + 98 Others

386 Ganga Bhagya

5 M Parmeshwari

208

S H75 Kanna Kapi

S H38 Kodadhel Mundhappa

W.C. 6 & Kamala

W.C. 3 & Kalyani

W.C. H & Devaky.

S.H62 & Kamala.

S 5H & Muthu.

S13H Gudde Ruku.

S 388 Bolsa Devaky

S131 Bolsa Ramana

S405 Kuva Nagama.

S H63 Kuva Kodama.

S73. Kuva Ramu.

S 252 & Kamala.

S 281
& Kamala

S227
Kuva & Ramu

S608.
& Siva

S 314.
& Ruku

S 328
& Lenga

S280
Kuva Ooru.

S 287
Kudrki anandi

S753
Devbail Ramoo.

S 245
Kuva Thabeu

S97
& Akkama.

S H90
& Bhama.

S312
& Bhavani

S99
Kuva Nyaka.

S 383.
& Nagama.

S186.
Kuva Sita

S-151
K. Chinnaiah Goni

S-203
K. Mamu

S-734
B. Krishnama

S-317
K. Poorna

S-325
K. Kumbi

S-H71
K. Ramesh

S-223
K. Yamunaja

S-H72
K. Kittoo

S-8 K. Thukaram

S-676
K. Appu

S-598
O. Ramesh

S-311
K. Ponna

S-108
O. Mamu

S-259
K. Thukaram

S-109
K. Lakshmi

S-524
O. Outhama

S-507
G. Kamala

S-HH3
O. Chennu

S-H50
K. Sisu

S-5H1
K. Ramesh

S-H2H
H. Nyaka

S-10H
K. Ranga

S-H28
K. Narsama

S377
K. Venkama

S698
Ramachandra

S-233
Anandi Pitama

S-49
K. Guruma

S-776
K. Somakka

S-389
K. Kalyani

S-212
O. Kamala

210 Shilling Sec Nos

S-566
Venkateswara

S-96.
Venkatarama.

S-26.
Rudrakoti Ramana.

S-196.
R. Kalyani

S-799
R. Siva.

S-242
R Bhagya.

S-286.
R. Chennama.

S-709
Bijai Prasad.

S-755
R Devi

S-540
R Janaky.

S-747
R. Muthu

S-744
R. Vasavi

S-408
R Chenama.

W.C-10
R. Rama.

S-80
R. Sita

S-745
R Muthu

S-441
R Maine

S-58.
R. Nagaraja

S-61
R. Venkamma.

S 370
R. Chennama.

S 254
R. Chennama

S-677
R Kalyani

S-510
R Sumathi

S-367
B Chennama

S-781
R. Anand.

S-732
R Kalyani

S-453
R. Sankar.

S-413
R Ramana.

ſ 143 L. Gange.

ſ 127 L. Gulaly.

ſ 331 L. Pameri

ſ 589 L. Sesama.

ſ 333 L. Devama.

ſ 796 L. Shri

ſ 132 L. Ramalu.

ſ 794 L. Venkama.

ſ 240 L. Thangy

ſ 207 L. appsu.

ſ 817 L. Chandu.

ſ 685 L. Venkama.

ſ 158 L. Ejji

ſ 690 L. Akama.

ſ 6514 D. Nagama.

ſ 142 L. Poole.

ſ 161 D. Bhavani

ſ 691 L. Krishnama.

ſ 288 L. Venkama.

ſ 476 L. Janama.

ſ 827 L. Guruma.

ſ 94 L. Gangu.

ſ 364 L. Bhanu

ſ 23 L. Chandu.

ſ 425 L. Esu.

ſ 182 L. Dyalu

ſ 416 L. Lasmi

ſ 118 L. Krishnama.

ſ 137 L. Venkama.

ſ 156 L. Guruja

212 Spelling rules.

272 K. Dulcina

27 r. chandu

787 M. Poon

268 r. Radha

32 K. Devaky

293 O Sita

1164 r Govana

365 K maire

113 r. Venkama

391 r. Subbu

430 B Rama.

431 r. Koraputu.

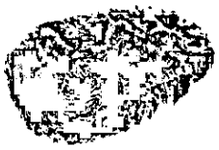
470 Devakail Doon

238 r. Devi

6 B Mecha.

83 B Devi

213 K. Devi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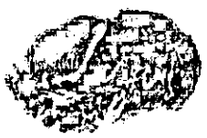
393 r Kamaki.

636 K. Bhami


4 r. Basni

710 r. Kosa

1104 r. Bhanu.

274 r. Kavery.

342 r. mecha.

299 r. Bhavani

48 r. Kampu

33 r Kosa

34 B venkama

169 K Bhagy

213 Selling Dept

S406 K Rama

S248/26 K Laxmi

S192 K Venkama

S209 K Lalita

S138 K Lila

S139 K Kamala

610 K Laxmi

S113 M Ankur

694 G Kavery

643 K Kamala

689 K Kavery

758 K Renuka

468 K Nagama

10 K Sita

769 P Sundary

248 K Devaky

328 B Kamala

334 O Radha

335 O Krsna

327 K Seru

497 K Devaky

308 B Yamuna

309 K Chinnama

310 K Bhagy

623 K Ramana

82 K Sita

22 G Jelliafe

600 K Kamala

164 D Sundary

214 f Kesava

278 K Jalija

439 B Govarana

433 K Gauri

512 K Chandu

157 K Jamuna

301 Devi Devija

397 K Varmesvi

474 K Laxmi

798 K Nagama

829 K Janaky

740 K Devaky

130 B Rajju

878 B Chemana

748 M Akana

190 K Rama

197
K Varmesvi

191
K Hamana

135
K Laxmi

188
T Venkama

322
K Nagama

230
D Chandu

232
D Kalyani

219
K Kamala

661
D Rukmini

224
K Ganga

536
K Chandu

317
Devaky

235
D Esu

459
G Hamana

512
M Rama

215 ſ Kelli-ja

ſ469 k. Devaky

ſ501 e. Bhagy.

ſ446 e. Lenga

ſ211 B. Nilu

ſ180 e. Rukmini

ſ708 e. Kamala.

ſ515 B Lenga

ſ950 Barke Boore.

ſ247 e Shangy.

ſ506 e. Kalyani

ſ291 T. Nagu.

ſ292 e Ganja

ſ511 e. Laxmi

ſ117 e. Rama.

ſ474 k Kamala

ſ488 k Kamala

ſ193 D Janaky

ſ607 D Kamala

ſ571 e Sibu.

ſ372 e apsu

ſ376 T. Rama

ſ42 K Ruku

ſ303 k Laxmi

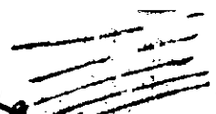
ſ304 K Kamala

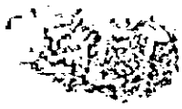
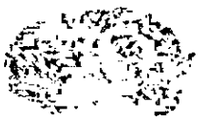
ſ1951 e Bhagy

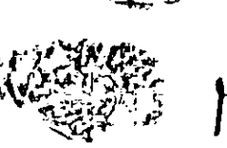
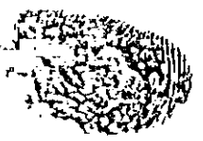
ſ477 e Laxmi

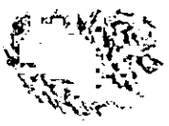
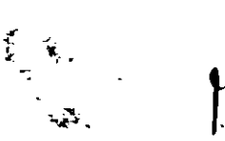
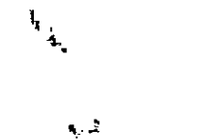
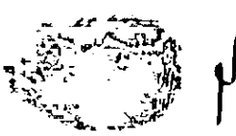
ſ179 K Rukmini

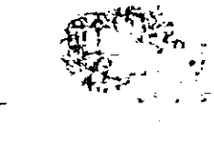
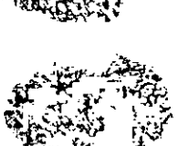
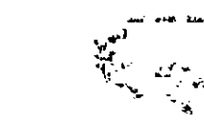
ſ183 G Rama

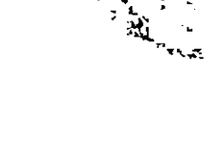




217 Shelling.

S324 k. Darama

198 d Siva.

170 k maniappa.

S119 M. Bengaima

630 O. Koroba.

S162 B uggu

296 k. Kaveri

730 k. Kamaka

204 k Krishnama.

S162 B Gowri

184 k. Ramarke.

S160 G Ruku.

S169 k Dyi

75 k Subba

S170 K Siva.

372 k. Ruthu

374 k. Sita

396 k. menaxi

S392 k. Padmavaty

27 k. mendiappa

464 k. Outhama

465 k. Ganga.

S109 k. Aruani

121 k Janama

176 k Nilama

177 K Rama

178 K Sitama

499 B chandu

331 K Rangaswami

204 D Jagannatha

218

Pettaiq

64b R. Obavana

458 R. Achama

442 B Nagu

453 K Thukaru

464 R Aavana

480 R. Remake

630 R Baby.

491 K Venkama

163 R. Srama

34 Ganga

695 G. Chandu.

132 R. Nagama

133 B Krishnama

455 K Thukaru

297 R Basavi

140 R Radha

463 K Venkama

139 B Siva

267 K Ramana

171 R. Venkama

739 K Kanaka

590 R Bala

5281 K Chandu

584 R. Venkama

787 B Ruku

81 R. Mandy.

67 B. Sitama

495 K Lingama

410 B Ramana

208 R Ramaya

219 f/helen

683 R tmu

S'11
R chemma
47 R Akkama

S'21
D Kaggy

165
R maini
422 L Racha

716.
G Gange.

684 G. Giriya

3

7S'4
R nagane

731 R. Duggama

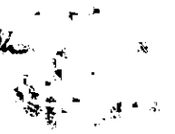
296
R Bhavani

S'351 R Kamala.

210
R Bhagy

270 R. Hamsa

436
R Chanda

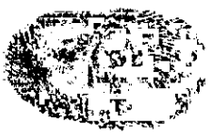

651 R. meena

631
R Bhavani

652 B. Mary

632
K Saraswati

202 G Laxmi


633
K Chandu

6420 Chandra

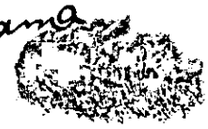
102
K Kamala

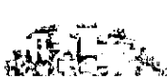
647 B Kalyani

411
R Govona

129 Bijai Yamuna

200 R Venkata


445 Bijai Laxmi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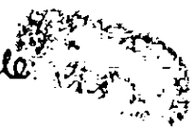
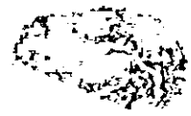
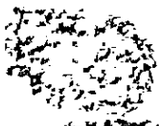
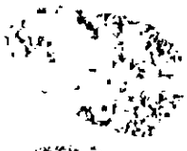
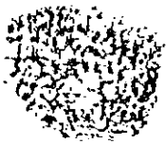
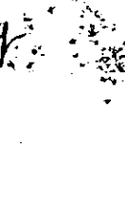
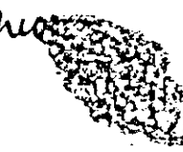


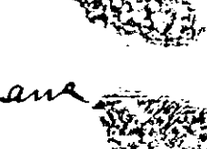
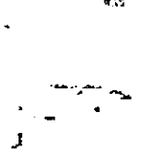



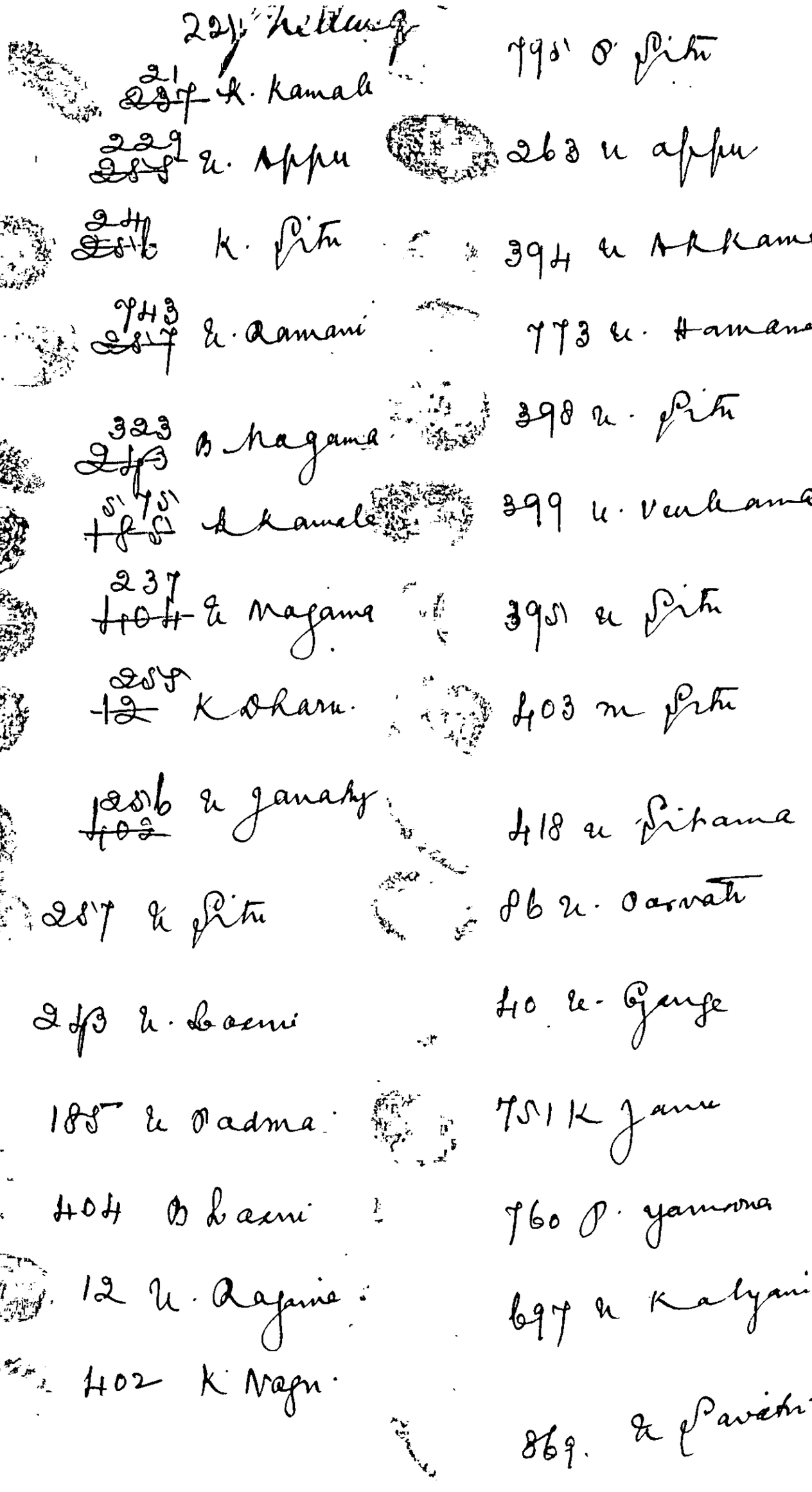










222 Shelling
669 Govana
261 e. Gopy.
264 e. Govana
713 e. Subh.
240 e. Vami
409 G. yamana.
419 B Kosa.
449 e. Bhagy
421 K. menake
417 e. Shubh
420 e. Sim
2811 e. Bhagy.
651 e Shubh.
66 B chimana.
14 D. Devaky.
429 e. Ak Kama
174 K chimana
68 K Ganpi
69 B Ganpi
486 e Krishnana
481 e Chemana
468 K Sita
147. O renkana.
663 K Kalyani
704 e Vanu.
6451 B Mitra.
13 T. Sim
173 e ganaky
1451 Or Devpi
320 K Rama
722 e Anmake
5122 e Kodana

111 к. Sita

1 к. mitra

34 о. nagama

603 о. rama

604 о. nagara

699 к. nenkara

378 к. nagara

379 к. Sirama.

723 к. chemara

9 к. kamala

660 о. Rukmi

817 к. Sita

298 в. nagara

687 к. devi

717 к. kamala

307 к. nenkara

306 к. laxmi

725 к. kalyan

18 к. janaky

106 в. Ragavi

166 к. Sankara

711 в. Rowana.

712 о. Ragara

444 к. asura

723 к. Sirama

423 т. laxmi

715 к. Sita

599 о. Rama.

620 к. Rukmi.

234 к. Sikhara.

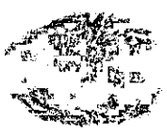
239 к. Bugara

2 к. Sirama

37. к. Radha

224 Schelling

246 v. Ruthenia.


790 v. Nassi

341 v. Rhamn.

334 v. Room.

388 v Kanak

345 v Rhavani

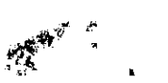
344 v. Gopy.

381 v. Room.

382 v. Room

7 v mare

330 v Rhame.


337 v Kalyani

380 v Kanak

653

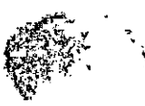
357

345 v Room

358 v Mraky.

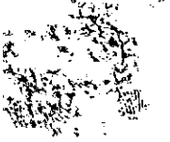
355 v. Kanak

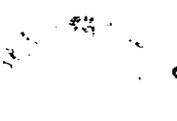
356 v Rhuhn


348 v apply

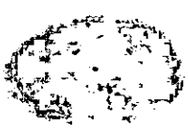
343 v Vela.

354 v Radmaraky.


339 v. Devaky


38 v Vengi

206 v Kanaka

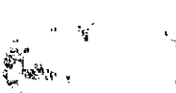

344 Kvgn.

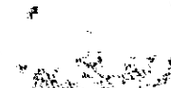
460 v Gopy

672 v Sovane

724 v Vasami

581 v Vemlanna


582 v Sita


686 v Devy

Peking 226

Sh 4/k chandu.

719 k Bhavani

Sh 42 os Kanu.

400 f Chandu.

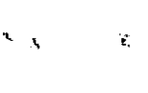
774 f Kalyani

706 k Nakana

362 f Laxmi

622 k. Apsiy.

18 k. Vinaya


15 k. Sita

746 k. Manjula

Peking Deph.

1 k. Laxmi

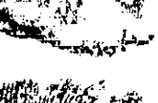
3 k. Durgama

6 k. Dhiraja

7 k. Leela.

8 b Laxmi

9 b Shanty


Peking Deph.

10 b Nagi

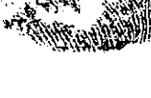
11 k. Komala.

12 k. Sita.

14 k. Devaky.

17 k. Meena

20 k. Nagi


21 k Nagama.

22 os Janaky.

20 k. Govana

24 k. Chukra

25 os Achana

26 os Kettoo

29 k Gilak.

30 b Lakshta

32 k Anama.

33 f Pushpa.

34 Naga

S665 n Chandu

S 343 ~~796~~ k Lenga

S 609 ~~665~~ k Ganga

S 1051 ~~343~~ b Vikrama

S 107 ~~609~~ k Venkama.

S 1051 b Vikrama.

107 k Venkama.

S9 n Ramesa

S78 b Appa.

S179 G. Janaky

S80 d Kavey

727 k Ganga

707 b Venkama.

93 n Venku

100 n mare

3549 f. Ramani.

360 f Kalyani

S48 n Ramesh

S97 b Chenna

7751 d Bhagy.

S94 d Kavey

601 b Rama.

602 d d Ooma

608 b Ranga.

290 n Chandu

416 n Bhaga

786 n Kalyan

717 n Venu.

779 n Bhagy

615 n Subba

3447 n Nagam

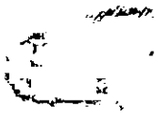
4148 n Chandi

718 n Venu.

S100 n Subba

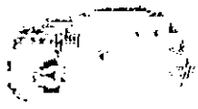
221 Record of Deaths

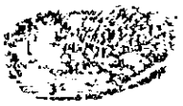
36 K Kalyani


37 K billy

39 K Sitama

40 K Nagappa.


41 K Bhagy.


42 B Nagama

43 B Lingaiah

44 B Kamala.

46 K: Rajui

47 B Venkama.

48 G. Gowri

49 K. Laxmi

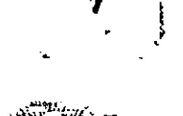
S12 K Sivana.

S13 K Laxmi

S14 K Radha.

S15 K Kamala

S16. K Nagama


S17 B. Nagama

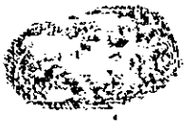
S19 K billy

61. K Sitama

63 K. Nagappa

64 K Bhagy

65 K Gopi


67 T Narama

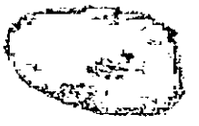
68 B Cheruma

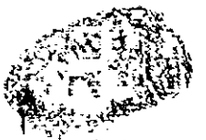
69 T Lappy

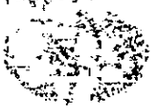
70 K Radha

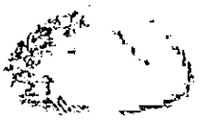
71 B Chandwati

72 K Kamala


74 B Venkama


75 K Nagesh


77 B Bhagy


79 K Laxmi

230 Indus Dyn

169 ♀ Janama

169 ♀ Laxmi

170 ♀ Bile

173 ♀ Kosana

174 ♀ Saraswati

176 ♀ Yamuna

177 ♀ Devi

178 ♀ Laxmi

179 ♀ Mary.

181 ♀ Sundary

182 ♀ Books

183 ♀ Sitana

184 ♀ Parmesri

171 ♀ Kosle

188 ♀ Khubsi

186 ♀ Mata

187 ♀ Parvati

189 ♀ Mata

191 ♀ Durga

192 ♀ Padmu

193 ♀ Kamare

1951 ♂ Mukho

198 ♂ Yamuna

200 ♂ Janana

201 ♂ Sitabai

202 ♀ Laxmi

204 ♂ Janama

205 ♀ Sita

207 ♂ Narsi

208 ♀ Hanu

209 ♂ Bhagy

210 ♀ Laxmi

212 ♀ Laxmi

213 ♀ Janabay

214 ♂ Devaky

215 ♂ Rosana

224 Jaleiga Deshi

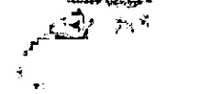
126 ♂ Kamala

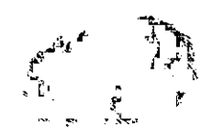
127 ♂ Premkama

128 ♀ Pitama

130 ♀ Kosa

132 ♂ Siva

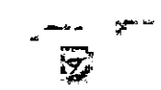

133 ♂ Premkama


131 ♀ Nagi

137 ♀ Jamuna

138 ♀ Pisana

139 ♀ Pitama


141 ♀ Pitama

143 ♀ Kargy

144 ♀ Krishnama

145 ♂ Dharani ♀ Jamuna

146 ♂ Dhara

147 ♂ Dhara ♀ Kamala

148 ♀ Kamala

149 ♀ Kalyani

150 ♀ Manjapa

151 ♀ Pitama

152 ♀ Nagapa

153 ♀ Manjari

154 ♀ Durga

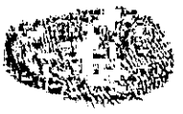
156 ♂ Premkama

157 ♀ Pita

159 ♀ Nilama

160 ♀ Pita

161 ♀ Nilama


162 ♀ Kargy

163 ♀ Subha

164 ♂ Dhanya

168 ♀ Kamala

166 ♀ Pita

167 ♀ Rama

231 Реєстр Дерк.

216 в Бітка Ваї
217 в Кнеіхмана
218 к Кнеіхмана
219 к Chemana
221 в Кооlа
222 к Кове.
223 к Katnie
224 к Бєзана
226 в manana
229 в Нотмана
232 в Вхаваші
234 к Kalyani
235 к Ганга.
236 к Чедарєіи
237 к Кемрі
238 в Аєіка
239 в Чадєна.
240 в Аєіка
241 в Аєіка
244 к Бєзя
245 к Кнеіхмана
246 в Чаші
247 в Бєєле.
249 к. maggy Ваї
250 в Кагарлы
252 в Бітка Ваї
253 к месно
254 к Камала
255 к Чадєна
257 к Ганга.
258 к Камала.
259 в Дайана
260 в Аєіка
261 в Аєіка

P.262 Kodadhil Gowri

P.263 Bolor Sesu.

P270. Kodadhil Kamala

P.271 Kadadhil Nanjappa

P.273. Uravakalyani

P.274 Kodadhil Kamala

P.275 Urva Ramana

P.278 Urva Nanjappa

P.280. Urva Sankara

P.281 Urva Sita

P.283 Bolor Achama

P.2821 Bolor Achama

P.285 Bolor Kavery

P 287 Kodadhil Venkama

P.288. Deabai & Sita

P.290. Bolor Radha

P.292 Bolor Kalyani

293
B Sumathi

294
B Bharathi

296
U Rama

297
U Kalyani

298
B Savitri

299
B Sita

301
U. Achama

302
U Thulja

303
D Rama

304
U Rama.

309
D Rama

310
U Sunday

311
D Lala.

312
D Indira

314
U Lila

317
U Lingama

320
D Appa

233 Pulimg Dev

322 K Gouri

330 D Nagama

331 K Amani

332 K yemuna

333 K Kamala

334 & Baby.

335 D Sugandhi

336 D Sita

341 D Radha

342 K Sita

343 K Ravana

344 K manima

345 D Sitama.

346 D Bhavani

347 K Ratna

353 K Rama

3514 K Leela

355 K Kamala.

359 K janaky.

360 K murthi

361 K Ravey.

362 K Nemoo.

363 K Devaky

364 K Ritama

367 K Savitri

368 & Kamala

371 K Leelu

373 K Veda.

376 D Kamala

381 K Civil

385 K Rita

388 & Bhavani

390 B Demiale

392 B Dvaky

393 R. Mucena

394 R Onopa.

395 R. Bowana

397 Os Leule

404 Divanja.

407 + Kawale

409 R Gopay

411 Osptana.

412 Q Kalyani

413 B Doemi

414 B Doemi

415 B Dameza.

416 R Doemi

417 Os Rogana

418 R mutu

419
R Dedi

420
Gwvana

421
R Degi

422
R Dvaffi

423
R Cristina

424
R martin

425
R Dejepei

426 R mary

427
R Brama.

428 R merene

429 R Riadsai

430 R Pshi

431 R melyani

432
R Reole

433 Os Meihane

435 R Gveri

437 R Depi

438 R Dep.

S249 Urva Lachmi

S315 Urva Dewaky

S279 Tinderbail Anleima

S313 Urva Venkama

S332 Tinderabail Umala

S368 Urva Sitama

S336 Urva Yamuna

S392 Urva Baidy

S440 Urva Nathu

S448 Bijiyi Kanda

S426 Urva Pathama

S565 Kodadhil Kamala

S483 Urva Lingu

S605 Kavoor Kamala

S554 Tinderbail Poova

S533 Urva Rukamini

S613 Guddakamala

S.693 Urva Achu

S.772 Urva Kalyani

S.735 Boloor Chandru

S.352 Urva Chamani

S.349 Bijiyi Kamala

S.784 Bijayi Sumathi

S.543 Tinderbail Chandi

S.767 Kodialbail Giriya

S.768 Kodialbail Yamuna

W.C.2. Urva Biyi

S.258 Urva Seramma

S.112 Urva Kalyani

P.111 Urva Cicil

P.134 Urva Vittama

P.117 Urva Akkama

P.96 Urva Poola

P.463 Kavoor Yamuna

P.452 Urva Cicil.

441 D Upendra

442 D Devaky

443 D Venkama

444 D Rajyam

446 D Beela

447 D Vijayam

449 D Ompa

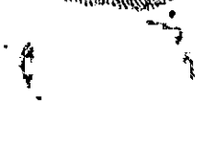
450 D Lalitha

453 D Ramya

454 D Nemo

455 D Jillian

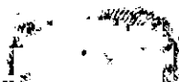
456 D Omita

460 D Rowena

462 D Kamala

464 D Padmavathi

465 D Ratna

467 D Radha

468 D Vasanth

267 D Sonu

241 D Kamala

318 D Leena

326 D Praveen

327 D Krishna

295 D Yamini

296 D Chandu

299 D Geetha

298 D Vinka

41 D Yamini

116 D Lasya

293 D Appu

Vishnu Chinna

329 D Appu

1941 D Keerthi

1288 D Seeta

P. 131. Uma Devi ~ / K. Pundalika Shenoy.

Vaman Nayak.

P. 451 Uma Nary

Alias Lobo

P. 321 Konchady Ganga

P. Narayana Shenoy.

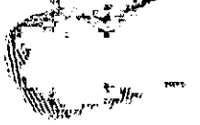
K. Ramadas Prabhu

P 439 Uma Lilly.

K. Kushava Shenoi

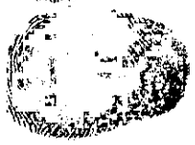
Sisa moliya.

P. 436 Kadri Appu.



P. 446. Uma Nutha

P. 206 Uma Naseema



P. 382 Uma Vijaya

P. 28 Uma Kook.

Umappa Shetty.

Umana Nayaka

Thubra moliy.

Ayth appa moliya.

ಮಹಾಬಲೇಶ್ವರ

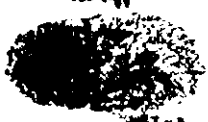
ಗೌಡ ಲ.

ಅಂಕಣ

11 Chemama.

22 Leela

25 Nagama

181  Sita

74 Lakshmi

18 Kerana.

~~112~~

~~283~~

318 Venkana.

~~295~~

406 Bhagy.

~~402~~

516 Chandu.

517 Bhanu.

~~408~~

681 Paradha.

622 Appy

Impression of Graders.

2-11

1 Sundary.

2 Chandravaty

3 Lalita

4

5 Devaky.

6 Rama.

7 Laxmibai

8 Kasy

9 Gunja

10 Rama

11 Bhadi Bai

12 Laxmi

13 Chenama.

14 Saraswati

15 Bhagy.

16 Rajania

17 Chandru.

18 Gunja

19 Radha.

20 Laxmi

21

22 Ellama.

23 Rama.

24 yamuna

25 Kalyani

26 Gulabi

29 Sundary.

28 Nagama.

30 Kamala

31 Padmavaty

32 Devaky.

33 Janaky

34 Gulab

35 Venkama

36 Kamala.

37 Sita

38 yamuna.

39 Laxmi

40 Rama.

41 Rama

46 Janaky

47 Vasanty.

48 Leela

S10 Gouri.

S11 Laxmi

S12 Krishnama.

S13 Sitama.

S14 Gouri

45 Kamala

56 Radha.

58 Gunja

59 Ganga

60 Leela.

62 Leela.

66 Ragana

67 Lenga

68 Kalyani

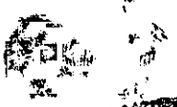
69 Nagama.

70 Kamala

71 Laxmi

72 Sarla.

73 Muthu.

75  Padmavati

74 Vitana.

79 Vitana.

81 Durga.

85 Jejappa

86 Gulabi

87 Bhagy.

88 Kamala.

90 Kamala.

91 Shiv

94 Laxmi

95 Padmu.

96 Padmu.

97 Padmu.

101 Janaki.

103 Kamala.

104 Chenama.

105 Janaki.

107 Kamala.

108 Laxmi

109 Ragana

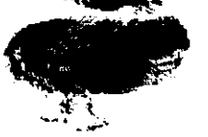
111 Rama.

113 Violet.

106 Chenama

114 Chenama.

117 Laxmi

98  Kaveri

2

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5

10

245

G.R. 2 NOV 1945 54175

No:

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

0 0G MANGALORE KNA 27 48 THE SECRETARY TO GOVERNMENT

EDUCATION & PUBLIC HEALTH MADRAS.

= THE COUNCIL AT ITS MEETING HELD YESTERDAY DESIRED MY REMINDING GOVERNMENT BY WIRE TO EXPEDITE ORDERS ON THE COUNCIL RESOLUTION ON MIZARKARS CASHEWNUT FACTORY REGARDING PROSECUTION ETC KINDLY EXPEDITE INSTRUCTIONS SOUGHT BY ME LETTER FOLLOCS = MUNICIPAL COMMISSIONER.

The sequence of entries at the beginning of this telegram is—class of telegram, time handed in, serial number (in the case of foreign telegrams only), office of origin, date, service instructions (if any) and number of words.

This form must accompany any enquiry respecting this telegram.

245

H. Dept (4)

DO. No 30040 A/45 – 17. p.H.
Dated 28-11-45

Dear Rao Bahadur,

Licence – Inanga-
ineurity – Srirai Krishna
Hinnappa Rai's – Gunlaw and factory
at Ura.

I am directed to
invite attention to Govt. Memo
No. 30040 A-4 14 P. H Dated the
20th Nov. enclosing a telegram
addressed to Govt. by the Hon'ble
Commr. Inanigatore on the above
subject

Subject and to ask Chairman
Rev. Cl. is pressing for
early orders, your reply
to the Memo may be expedited.

28-11-47

Y. S. Dt. 28/11

28/11/47

Sri Rao Bahadur
P. Ramadas,
CSI, CIE, of
Simla Kasma

VERY URGENT
R.O.C. C4-9478/44

247

Municipal Office, Mangalore,
Dated 27th November, 1945

From

Sri B.Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Sir,

Sub: Licence - Mangalore Municipality - Cashewnut Factory of Mizar Annappa Pai & Co. - Instructions on the Council Resolution - Requested.

Ref: My letters R.O.C. C4-9478/44 dated 1-11-1945(Confdl.), 16-11-1945 and 19-11-1945 (Confdl.),

---

I hereby confirm the telegram reading as under sent to-day.

"The Council at its meeting held yesterday desired my reminding Government by wire to expedite orders on the Council Resolution on Mizarkars Cashewnut Factory, regarding prosecution etc. Kindly expedite instructions sought by me. Letter follows".

2. I also invite kind attention to my letters quoted above in which necessary facts were placed before the Government, copy of Council resolution dated 14-11-1945 passed on the appeal petition of the proprietors of the factory was communicated to Government and instructions of Government on the action to be taken on the various directions to the executive contained in the resolution were sought, and request the favour of urgent instructions. In this connection I may convey for the kind information of Government that the Council appears to be eager to launch the prosecution immediately.

27/11/45
Commissioner

Ref. B4--11771-45. DEC 45 South Kanara Collector's Office,
Mangalore, dated 27th Novr.1945.

From
Sri Rao Bahadur P.Ramadoss,B.A.,
Collector of South Kanara.

To
The Secretary to Government,
Education and Public Health
Department,
Madras.

Sir,

License--Mangalore Municipality--Cashewnut factory--Mijar Krishna Annappa Pai & Co.--remarks offered.

Ref:- Government Memorandum No.30040-A-H-14-P.H. dated 20th November 1945.

I invite your attention to my report Ref.6647-45-B-4,Confidential, dated 8th June 1945 submitted to ~~the Secretary~~ the Secretary to Government, Public (General) Department in reply to his endorsement 43/45 dated 6th June 1945, in which the matter has been dealt with by me completely--copy enclosed. I also invite attention to my report Ref. B-4-6647-45 Confidential dated 25th July 1945, to the Secretary to Government,Public Works Department, in reply to his endorsement No.6337/A/45 -4 dated 19th July 1945--copy enclosed.

2. It will be seen from the Confidential report of the Commissioner, Mangalore Municipality, to the Government in his R.C. No. C2-9478--44 dated 12th October 1945, that the owners are working the factory from 10.10.45 without a license inspite of its refusal by the Municipal Health Officer. The Municipal Council has since rejected the appeal. Therefore the working of the factory, in view of the past history of the matter, constitutes defiance of authority and orders.

3. It will be seen from the Commissioner's report as well as the Municipal Health Officer's report that though the nuisance has been mitigated considerably on account of the improvements effected, still there is nuisance by way of irritating smoke. The public have begun to agitate once again against the nuisance on account of the suffering involved. The Commissioner and the Health Officer who paid a casual visit of inspection for a short time found that the nuisance did not completely abate. It can easily be imagined that the public, actually resident in the locality for all the 24 hours of the day, as well as the labourers within must be having real suffering yet. It appears desirable that such an avoidable suffering of the public is not allowed to continue.

4. Though the Sub Divisional Magistrate in his preliminary order ordered that they should use only firewood as fuel, that under no circumstances should cashew shells be used for burning and that the height of all the chimneys should be raised, it is seen from the Commissioner's report that cashew-nut shells are yet being used, though said to be occasionally, and have been stocked in different places for the purpose and that all the directions of the Asst. Director of Public Health have not been completely fulfilled so as to eliminate the nuisance entirely. In a district like South Kanara where enormous quantities of firewood are available for all purposes and in all factories, it is not understood why this factory cannot use only firewood. It is also not known why the chimneys should not be raised uniformly to 45 feet as pointed out by the Commissioner. It is not a case in which the defects cannot be rectified or the nuisance prevented effectively. It seems to be a case of indifference,if not defiance by an industrial magnate.

5. The telegram of the Municipal Commissioner is herewith returned.

P R Ramadoss

Collector.

Copy of letter Ref:6647-45-B (Confidential) dated 8-6-45 of this office addressed to the Secretary to Government, public (General) Department, Madras.

FACTORIES: Cashewnut factory - Messrs. Mizarcar and Co., - Mangalore - Smoke Nuisance - Closure - Report submitted.

Ref: Endorsement No.43/45-1 dated 6-6-45 from the Government public (General) Department, Madras.

Messrs. Mizar Krishna Annappa pai & Co., of Mangalore are running a cashew nut factory in Bolcor within the limits of Mangalore Municipality. Cashew-nuts are roasted at this factory on a large scale and cashew nut shells are used as fuel to roast the nuts. The factory is situated in the midst of thickly populated residential houses. There have been several bitter complaints from the residents of the locality that the nuisance caused by the noxious fumes produced by the factory is unbearable and injurious to health. They have been crying for redress but no effective action was taken so far either by the Commissioner of Mangalore Municipality or by the Municipal Health Officer though the nuisance complained of is of the kind contemplated by section 41 of the Madras public Health Act. In 1944-45 the factory was allowed to work without a licence issued under the Madras District Municipalities Act and no licence has been issued for the current year so far though the proprietors applied for it on 27-3-1945. The proprietors who are wealthy and influential persons have been able to go round the Municipality successful, and flout the local feelings in the neighbourhood. On account of this indifference, a section of public has been made to undergo considerable suffering. The smoke nuisance caused by the factory is a grave scandal in the town and there is no doubt that the public health is seriously at stake if it is allowed to continue. In this connection I enclose an extract from the report of the Labour conciliation officer, Calicut dated 2-5-45, a copy of his report Ref:No.16/45 dated 26-5-45, a copy of the letter No. C4-2563/457 dated 23-5-45 from the Commissioner of Labour, Madras and a copy of the report dated 20-5-45 from the Deputy Superintendent of Police, Mangalore to the sub Divisional Magistrate, Mangalore for favour of perusal. As it was considered that some prompt and firm action was necessary for the removal of the nuisance, proceedings under --- Section 133 Cr.P.C. were instituted in the Court of the Sub-Divl. Magistrate, Mangalore by the Police at my instance. On 28-5-1945, the S.D.M. passed a combined order under Section 133(1) and 142(1) Cr.P.C. directing the proprietors of the factory to desist from carrying on the burning operations in the factory or to regulate it in such manner as might be directed by the court hereafter. The date for filing objections against this order was notified as 1-6-1945. On 30-5-1945 the proprietors made an application before the Sub-Divl.Magistrate to -- cancel the above order. On 1-6-1945 the Sub-Divl.Magistrate passed another order permitting the proprietors to work the factory subject to the following conditions:-

(1) That they should only use firewood as fuel.
(2) That under no circumstances should cashew shells be used for burning; and
(3) That the height of all the Chimneys should be atleast 25 ft. above the top of the factory building. He has given them time till 10-6-1945 to carry out the above conditions.

The case stands posted for further enquiry to 12-6-1945. Meanwhile the Assistant Director of Public Health, Madras, on the agitation of the public inspected the factory on 21-5-1945 and 23-5-1945. He has also opined that the oil fumes and the dark smoke that get out through the chimneys of the factory cause the most pungent and [illegible]-ing smell and that the health of the workers and of the neighbourhood is definitely affected by these oil-fumes and soot. A copy of his inspection notes which set out the position vividly is enclosed. It is clear from his report that the working of the factory in the present condition is very injurious not only to the health of the residents of the locality but also to the health of the workers in the factory. It is not a case in which the owners of the factory are unaware of this grave nuisance and danger to public health but a case of wanton flouting of public complaints and disregard of the orders of the Municipal Council. Even in 1943, the Municipal Council imposed conditions that only firewood should be used for burning and not cashew shells and that the chimneys must be increased in height. This was not complied with and no formal licence was obtained

[illegible]-26. The public waited on me and it was reasonably urged public officers were failing in duty to enforce health laws. And hence, my letter to the Dt.Superintendent of Police to move in the matter (copy enclosed). Attention is also invited to G.O.No.Misc. 749, Education and Pub.Health Deptt., dated 24-2-1948. The conditions of this G.O. also have not been complied with. It is open to the proprietors who are rich to work the factory after carrying out the conditions imposed by the Sub-Divisional Magistrate. They are not very costly or difficulty to do. In the circumstances it would appear that it may not be desirable to interfere unless this cashew factory is engaged in any essential war contract of which I am not aware. Even so, it may not be fair to the public and to the workers to make them suffer under such a serious nuisance and danger to the health while the defects pointed out could be easily remedied by such a rich capitalist.

Sd/P. Ramadoss,
8-6-1945.
Collector.

/True copy/

For Collector.

29.11.45

Copy of this office letter Ref: B4-6647-45(Confidential) dated 20-7-45 addressed to the Secretary to Government, Public Works Department, Madras, through the Commissioner of Labour, Madras and Director of Public Health, Madras.

FACTORIES: Mizar Krishna Annappa pai and Co., - Cashewnut factory, Mangalore - closure - re-opening - Remarks offered.

Ref: Endorsement No.6337-A/45-4, dated 19-7-45 from the Government, Public Works Department.

In G.O. No. Ms.1622, Public Health dated 18-6-1945 the Government have ordered that a licence should be issued to the owners of the Mizarkar's Cashew nut factory only when all the defects, pointed out by the Assistant Director of public Health in his report dated 28-5-45, have been rectified in the manner stated by him. From the report of the Industrial Engineer, Madras, it is not possible to find out whether all the defects pointed out by the Asst.Director of public Health have been fully rectified. This is a matter for further verification by the Health Department. The case instituted against the owners of the factory under Section 133, Cr. P.C. stands posted to 3-8-45 for consultation of the jury appointed under Sect on 138(1) Cr. P.C. The Deputy Superintendent of police, South Kanara who inspected the factory on 9-7-1945 in connection with the petition filed by the owner before the Sub Divisional Magistrate, Mangalore for vacating the interim injunction passed on 1-6-45, reported on 11-7-45 that the defects pointed out by Asst. Director of public Health had not been fully rectified. I have no further remarks to offer.

(Sd.) P. RAMADOSS,
Collector.

(True copy)

For Collector.

29.11.45

255

H Ex+f H 53743

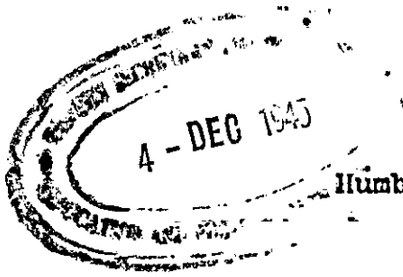
Mangalore,

Dated 1st December, 1945.

To

The Commissioner of Labour,

Chepauk, Madras.



Humble petition of:

Mizar Krishna Annappa Pai & Co.,

Mangalore.

Sheweth:

The petitioners have been working a factory for roasting, shelling and peeling cashew kernels, extraction of cashewnut oil and export of cashew kernels and cashew nut oil. The factory has been working since 1930 and is employing over a thousand labourers. There has been periodical inspection by the factory Inspectors and up till now no report has been made against them by the Inspector. There has been no labour dispute and no strikes in this factory. The labourers have been given necessary increase in wages during war time and over thousand families in Mangalore depend for their livelihood upon the wages earned by these labourers in the factory of the petitioners.

In this state of affairs three of four persons who are inimically disposed towards the petitioners began to carry on a systemetic propoganda against them from 1944. One of them is an ex-tenant of the petitioners who was ousted for non-payment of rent. He is a person against whom security proceedings have been taken, and who has been sent to criminal jail for cheating. Another is his land-lord and the third is a person who wanted the petitioners to purchase his holding for a fancy price. These persons have engaged Mr. C. L. Lobo, the Vice-Chairman of the Mangalore Municipality as their

lawyer and he appeared for them before the Sub Divisional Magistrate, Mangalore. Through Mr. C. L. Lobo these persons seem to have got repeated letters written and oral representations made to the Labour Conciliation Officer, Calicut. The latter when he visited the factory was accompanied by Mr. C.L.Lobo, who was the lawyer of some of the interested persons and apparently must have been considerably influenced by him. Besides this the Labour Conciliation Officer had requested the petitioners to employ some of his nominees on high pay in the factory which request the petitioners did not comply with. Being prejudiced by these facts the Officer made a report to you on 2-5-1945, sending a copy thereof to the District Magistrate, making a wrong statement of facts as the subsequent events detailed hereunder would clearly prove. The District Magistrate of South Kanara believing the truth of the statements made in the aforesaid report dated 2-5-1945 and relying thereon directed the Sub Divisional Magistrate Mangalore to urgently take action under Section 133 Criminal Procedure Code. Proceedings were instituted and the factory was directed to be closed and remained closed for about 5 months during the pendency thereof. In the said proceedings Mr. C. L. Lobo appeared for the aforesaid parties. On the request of the petitioners the Sub Divisional Magistrate appointed a jury consisting of the following gentlemen to inspect the factory during its working and report whether nuisance is committed to the workers and the people around:

1. Sri P. Vyasa Rao, B.A., M.L., Retired District Munsif Special Ist Class Magistrate, Vice President of Ist Class Bench, Mangalore (Foreman)
2. Khan Saheb Hajee Syed Hussain Saheb, B.A., B.L., M.L.A., District Organiser, Field Publicity Organiser.
3. Sri K. B. Jinaraja Hegde, Bac. L.L.B., M.L.A.(Central) Advocate, Mangalore.

4. Sri S. Nagarajiah, B.A., B.L., Vakil, Mangalore.

5. Sri N. Rama Rao, B.A., B.L., Advocate, Mangalore. The jury returned an unanimous verdict that there is no nuisance caused and the proceedings were accordingly -- dropped. From this it would be clear that the alleged statement of facts made by the Labour Conciliation - - Officer are not true. A perusal of his report would also show that he was more concerned about the alleged - - nuisance to the neighbours than any labour dispute, or the grievance of the labourers, which alone was strictly his concern.

The petitioners beg to submit that all the labourers of the factory have submitted a memorial that there is no nuisance caused to them and that their health is in no - way endangered by working in the factory.

The aforesaid Mr.C. L. Lobo, during the pendency of the proceedings under Section 133 Criminal Procedure Code caused to be instituted proceedings for prosecuting the petitioners for the alleged working of the factory without licence from the Municipality which proceedings were - - subsequently withdrawn under the orders of the Government.

When the factory was about to be re-opened after the termination of the Section 133 Criminal Proceedings - - Procedure Code Proceedings they were intimated by the - Health Officer, Mangalore Municipality not to work the Factory until all the suggestions made by the Assistant Director of Public Health who had in the meantime visited the factory are fully carried out. The petitioners submit that they have carried out four of the five suggestions made by the Assistant Director of Public Health. The --

only suggestion that had not been carried out was regarding bore-wells and sanitary latrines. The Assistant Director of Public Health himself in his report has stated that this is not an urgent matter and time should be granted to the petitioners to carry it out. It could not be urgent as monsoon being then fully on there was no dearth of water and the factory had sufficient number of latrines constructed in accordance with the Factory Rules. Still the petitioners moved the concerned authorities immediately for the necessary machinery - but were told that the machinery is not available.

Thereafter under the pretence that the health of the - neighbourhood has deteriorated since 1943, Mr. C.L.Lobo moved and got passed a resolution in the Mangalore Municipality on 14-11-1945 directing the executive to move the Government for the closure of the factory. A copy of this resolution - seems to have been got sent by Mr. C.L.Lobo to the Labour -- Concilliation Officer, Calicut and through him to you, with the recommendation of the Officer for the closing of the - - factory. The said resolution was moved by Mr. C.L.Lobo in a meeting when only 15 members were present without inclusion thereof in the agenda and without giving prior notice to all the members. The council consists of only nominated members and it could not be said that Mr. C.L.Lobo or any of the -- members then present were voicing the view of the citizens of the locality. In fact Mr. C.L.Lobo lives more than 2 miles away from the locality.

Besides, the aforesaid resolution does not even purport to have been got moved or passed in the interests of the - - labourers working in the factory. The said resolution does not say that the health of the labourers has in any way - - deteriorated by working in the factory, the truth or otherwise

completely ignored the fact that by the closure of the factory over a thousand labourers and their families would suffer and the continuing of such a person as an Officer of the locality would work to the prejudice of the larger number of workers. It is therefore necessary in the interests of everybody concerned that he should be transferred and the Commissioner of Labour may be pleased to take up the case of the petitioner with the Government and prevent any action being taken to close the factory and thus avert the deprivation of the means of livelihood to more than a thousand families in Mangalore.

For which act of kindness petitioners would remain ever grateful.

Yours obediently,
for Alsar Krishna Annappa Pai & Co.
Partner

Copy to: Sir Thomas Austin, K.C.I.E., I.C.S.,
II Advisor, H.E. Governor of Madras,
Fort St. George, M A D R A S.

of which is a matter which could easily have been ascertained. On the other hand it says that the health of the neighbours has suffered since 1943, which could not apparently be true when the factory was working since 1930. Besides the said statement is not borne out by any statistics of the Municipality and the Municipal Health Officer when questioned in open Council replied that he is not in a position to vouch to the correctness thereof.

The residents of the locality excepting the four persons aforesaid have sent a memorial to the Government dissociating themselves from the alleged facts set out in the aforesaid resolution of the Municipal Council. The ~~Indust~~ Industrial Engineer, Madras who had visited the factory on 18-6-1945 has certified that the oil fumes from the oil tank have been treated by being led into the furnace, burnt and discharged through the chimney and that there was no irritating smell felt in the surrounding area caused by the gases coming out of the chimney.

Petitioners are willing that their factory may be inspected at any time by the Commissioner himself or by any other person and they feel confident that the visitor will be satisfied with the arrangements and the improvements since then effected by the petitioners in the interests of the labourers.

Petitioners submit that the Labour Conciliation Officer, Calicut has taken a seriously prejudiced view against them on account of the circumstances stated above. He has played into the hands of Mr.C.L.Lobo, who though he was the Vice-chairman of the Municipality was really acting on behalf of certain private individuals and thereby has sacrificed the interests of Labour. He has

261

C.F. 32 (a).

In reply, please quote number, date and short title.*

Industries and Commerce DEPARTMENT.

Received ..... Registered .....

UNDER SECRETARY 07 NOV 1945

From (Name)

(Designation) The Director of Industries and Commerce,

Post Box ....., (Station) Madras,

Telegraphic Address .....

To

The Secretary to Government,
Development Department,
Madras.

No. 4796 AI/45 *dated* 23rd November 1945.

Sir,

* Sub:- Cashewnut - Roasting in the factory of M/S Mizar Krishna Annappa Pai - Cashewnut factory.

Ref:- My letter No. 4796 AI/45 dated 6-7-45 and subsequent reminders dated 3-9-1945 and 16-10-1945.

ENCLOSURES

× Sent to PWD Dev No. 41388 B/45-1 13.7.45 (1) enclosed

SPARE COPIES

√ Sent to PWD Dev No 64464 B/45-1 22.10.45

I invite a reference to my letter cited and subsequent reminders thereon and request to be informed whether any orders have been passed in the matter.

for Director of Industries and Commerce.

MA/24-11- 24/11 20.11.45

The main letter referred to at 'A' above was sent by me to P.W.D. with Dev No. No. 41388 B/45-1 d 13-7-45 and a reminder from DIC was also sent to P.W.D. with Dev No No. 64464 B/45-1 d 22-10-45. This may be sent to them depts. in Confirmation.

P.A.

P.T.O.

V/ Other depts. may be requested to send an interim reply to the W/te if it will take some time for final orders to issue on the question.

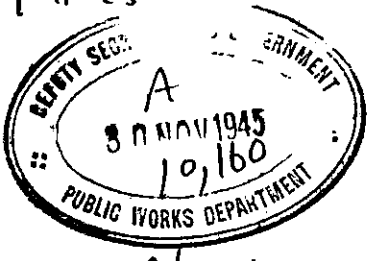
C.E. 29.11.45 Supdg. 29.11.45

P.W.D.

Secy

D.O. No. 23880 A/45-1 PWA 29.11.45

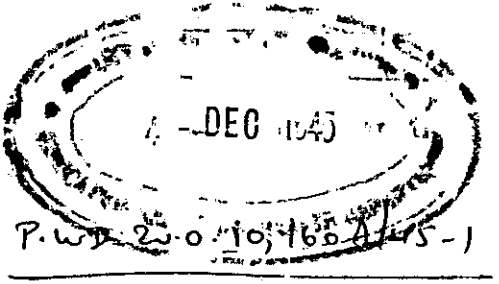
P.W.D



May be sent to Edn Secy. in continuation of P.W.D D.O. No. 9423 A/45-1 dated 25.10.45 and they may be requested to send a reply to the Director of Industries & Commerce.

Secy 30/11/45.

P.S. to Secy



3.12.45

53/144

263

H - Ext. P. H

5 - DEC 1945

MANGALORE,

Dated 1st January, 1945.

SECRETARY, EDN. AND P. H. DEPTT.
5 - DEC 1945
GOVERNMENT OF MADRAS

The Commissioner of Labour,

Chepauk, Madras.

Humble petition of

The labourers working in the factory of

Mizar Krishna Annappa Pai & Co.,

Mangalore.

Sir,

We are the representatives of the labourers working in the cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co., Mangalore. We have been working in the said factory for the last about 15 years and on behalf of - - about thousand labourers that are working in the said -- factory we beg to make the following representations to you praying that you may be pleased to take necessary - action in the said matter.

We understand that a resolution has been got passed in the Mangalore Municipality on 14-11-1945 urging the closure of the factory in which ~~we~~ we are working - - apparently on the ground that the pungent smoke emanating from the factory is injurious to the health of the - - neighbours. We beg to submit that the said statement of fact is not correct. On account of the new device and - machinery set up by the owners all the fumes are now -- collected and burnt and there is no pungent smell coming out of the factory at all. We who are in the factory - itself are in a better position to testify to the correct- ness of the said statement, and we submit that an - - inspection of the factory would convince any visitor of the truth of the said statement.

We have been working in the factory for about 15 years and our health has not in any way been affected. The -- statement that on account of the smoke or smell from the factory the health of any of the residents in the neighbourhood has been affected is absolutely not correct. The - factory is besides not situated in a thickly populated - area and until recently it was outside the Municipal limits.

We submit that the owners of the factory have been looking properly ~~working~~ after all the legitimate needs and requests of the workers and there have been no occasion for complaint or strikes in the factory.

This year the factory was closed for a considerable length of time on account of the institution of proceedings in the Criminal Court under Section 133 Criminal Procedure Code at the instance of certain interested persons and the factory was able to work for barely about 2 months. On -- account of this the labourers had to suffer considerable hardship and trouble. There are no new factories started in Mangalore and it was impossible and would be impossible for the labourers to get employment elsewhere.

We understand that the Labour Concilliation Officer Calicut was mainly responsible for the taking of the action as aforesaid acting mainly under the influence of Mr. C. L. Lobo, who was interested in certain clients of his and was in no way acting in our interests. The action of the said Concilliation Officer has been contrary to our interests. He did not consult us in the said matter and we beg to - - submit that it would not be in the interests of the labourers to continue the said Officer in this circle. We are - - apprehensive that the filing of this petition would further prejudice him against us and he would not be in a position to bring an impartial mind to bear upon the situation.

We therefore submit that it would not be in our interests to take any action on the reports of the -- Labour Conciliation Officer Calicut. We pray that - after necessary enquiry and a local inspection, if need be, you will be pleased to take necessary steps to - prevent the closure of the factory and ensure the safe and continuous working of the factory.

For which act of kindness we shall always remain grateful.

Yours obediently,

left hand thumb impression of Pidd Bai

left hand thumb impression of Bhagy Hengsu

Copy to: Sir Thomas Austin, K.C.I.E., I.C.S.,
II Advisor, H.E. Governor of Madras,
Fort St. George, M A D R A S.

From

C. L. Lobo B.A.B.L.

Vice-Chairman, Kirungalur Municipality.

53308

To

The Secretary to Government

Ed & P.H., Fort St George, Madras.

(12 annas Stamps returned herewith)

Subject: Danger and nuisance from the Cashewnut factory of Messrs. Mirzan Ignathna Annappa Pai & Co.

Dear Sir,

Kindly pardon me for this little. But I am constrained to write it on behalf of a large section of our population who are being terrorized and mercilessly massacred by the above factory with its shocking smells and irritating fumes. The owners of the factory are flouting every authority on earth. The arrangements suggested by the A.D.P.H. Dr. Thirumurthi and laid down by the Govt in G.O. No. 1622 dt 19.6.1945 are ignored and altogether disregarded. People are being driven to desperation. The fire accident in the factory on the night of 14.10.1945 has created regular panic everywhere and the number of victims of asthma, bronchities and consumption in the neighbourhood is increasing day by day. The last resolution of the Municipal Council resolving upon to stop all burning operations and to evict the factory from the locality and to prosecute the owners may be communicated to the Govt by wire. The commissioner is waiting for orders of the Govt & the Chairman is indifferent to all the appeals from the public!

The public urge me to approach the Govt on behalf of the suffering public and to seek an interview with you to explain the

12 DEC 1945

present correct position of the matter from the factory. I beg to enclose necessary postage stamps for an urgent reply. If I receive your kindly reply by wire by to-morrow (5th) evening, I shall start on the 6th & will appear before you at the Secretariat on the 7th or any day next week convenient for you.

I beg to remain
Sir.
Your obedient Servant
Vice-chairman
M.C. Cangem

Ept. W (H)

The Collector's report has been received on the subject of permitting the Cashew nut factory in Mangalore to which this representation relates. The file has been submitted for orders by the PWD.

Orders whether Mr Lobo may be wired to to come or whether he may be informed that no special purpose will be served by the interview he seeks, & that orders will be passed by Govt soon.

A

A may be approved. The file is below.

5.12.45

5/12/45

The draft letter below is for approval.

S 6/12/45

269

EDUCATION & PUBLIC HEALTH DEPARTMENT.
(H)

Rect with 12 as. stamps 10/12 8/12

Letter No. 30040 A/45-18.P.H. dated 8-12-45.
Ref

To

C.L. Lobo Esq., B.A., B.L.,
Vice-Chairman, Mangalore Municipality.

Sir,

LICENCE -- Mangalore Municipality -- Cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co.

--

With reference to your letter dated nil on the above subject, I am directed to state, ~~[illegible]~~ that orders in the question will be passed soon. The Secretary, Education & Public Health Department, does not, therefore, consider it necessary for you to come down all the way to Madras for ~~will be served by~~ a personal discussion of the subject ~~with you~~ at this stage.

2. The stamps of the value of twelve annas received with your letter are returned.

Y.O.S.

6:12.45

8/12/45

SECRETARY TO GOVERNMENT
5 - DEC 1945
PUBLIC WORKS DEPARTMENT

8 - DEC 1945 Mangalore,

Dated 1st December, 1945.

To

The Director of Industries & Commerce,

Chepauk, Madras.

Humble Petition of:

The partners of Mizar Krishna Annappa Pai & Co., Mangalore.

Sheweth:

The petitioners having been carrying on at Mangalore the industry of roasting, peeling and exporting cashewnuts since 1930. They are the holders of a patent for a machine for an improved process of roasting cashewnuts and extraction of cashewnut oil. They have also been exporting cashewnut oil on a large scale. This industry has been the premier industry of South Kanara, the only other industry being the tile industry. Mangalore is the only place in the Madras Presidency where this industry is carried on, and in 1930 it was competing successfully with Travancore. In 1930 Mangalore had the first place amongst the cashewnut exporting centres in India but owing to lack of feeillities given to this industry in South Kanara statistics would reveal that Mangalore now occupies the fourth place, Travancore taking the first.

2. Large exports of cashewnuts and cashew nut oil is made to America. Cashewnut oil was in great demand during war time and was classed as one of the goods for which preference was given in the matter of export. The petitioners and Messrs. Pierce Leslie & Co, were the only two parties who had patents for extraction of good oil and petitioners have spent considerable amounts and skill in inventing, improving and setting

up the necessary machinery for the said purpose.

3. There are over 1000 labourers working in the - factory of the petitioners and the wages earned by those people is the chief source of livelihood for over a thousand families in Mangalore.

4. The factory of the petitioners was being inspected periodically by the inspectors of factories ever since 1930 and there has been no prosecution against them up till now for the infringement of any of the factory rules and no - reports have been made against them by the Factory Inspectors.

5. Till 1942 their factory was outside the Municipal limits of Mangalore Town. The District Board of South - Kanara was granting them the necessary licence for roasting cashewnuts annually without ~~imposing~~ imposing any restrictions. In 1942 the Municipal limits of Mangalore were enlarged to bring their factory within the Municipality. Thereupon the petitioners applied for licence from the - Mangalore Municipality, paid the necessary licence fees - from time to time and were allowed to work the factory -- without imposing any restrictions.

6. In 1945 four persons who were inimically disposed towards the petitioners began to carry on systematic propaganda against the petitioners. On account of certain - representations made the Assistant Director of Public Health visited their factory and in his inspection notes he - -- suggested the following improvements in the order of urgency under which the factory should be licensed.

(1) Treatment of the oil fumes from the oil tank and the gases that emanate as a result of the cashew fuel.

(2) Centrifugalising the roasted nuts.

(3) Water supply and latrine arrangements.

(4) Improvements to the shelling and Peeling sections.

(5) Other improvements as medical attendance creche etc.

He reported that items 1 and 2 are urgent and should be carried out immediately and regarding items 3, 4 and 5 time should be given.

7. Petitioners submit that they immediately carried out the suggestions. Since then they have not been using cashew fuel. They have set up apparatus for treating - the fumes and gases and for centrifugalising the nuts - and the Industrial Engineer who visited the factory on 18-6-1945 has reported that there is no irritating smell felt in the surrounding area and that in his opinion the device adopted by the factory for treating the oil fumes from the oil tank has been successful.

8. The petitioners have also carried out the -- suggestions under heads 4 and 5 stated by the Assistant Director of Public Health and the Health Officer, Mangalore Municipality has made a report to that effect on 4-10-45 a copy of which is enclosed. Regarding the water supply there was no immediate urgency as the monsoon was still on and though there were sufficient number of latrines of the type approved under the Factory rules still the petitioners immediately got into touch with the concerned authorities for machinery for setting up bore wells and sanitary latrines but were intimated that the necessary machinery is not now available.

9. In the meanwhile Proceedings under Section 133 Criminal Procedure Code were instituted against the -- petitioners on the ground that the working of the factory causes nuisance to the neighbourhood. Petitioners - - demanded a Jury and the following persons were appointed Jury-men: Sri K. B. Jinaraja Hegde, B.Sc. LL.B., M.L.A. (Central), Sri S. Nagarajiah, B.A.,B.L., Vakil, Mangalore,

Sri N. Rama Rao, B.A., B.L., Khan Saheb Hajee Syed Hussein Saheb, B.A., B.L., M.L.A., District Organiser, Field Publicity Organiser and Sri P. Vyasa Rao, B.A., M.L., Retired District Munsif and Special I Class Magistrate and Vice President of Ist Class Bench, Mangalore (Foreman). They returned an unanimous verdict that no nuisance is caused by the working of the factory and the Sub Divisional Magistrate accordingly dropped the proceedings.

10. Petitioners having done all that was necessary and in their power the municipality should have given them its approval and formal licence. Instead of this some of the members seem to have been influenced by the aforesaid persons who are inimically disposed towards the petitioners and a resolution was passed on 14-11-1945 urging that representations should be made to the Government to close the factory. Petitioners submit that one of the persons complaining was an ex tenant of the petitioners, against whom security proceedings were taken and who had also undergone imprisonment for cheating another in his present landlord and the third has private grudge against the petitioners They have engaged Mr. C. L. Lobo, Vice Chairman of the Mangalore Municipality as their lawyer and the latter acting in that capacity had appeared before the Sub Divisional Magistrate in the Section 133 proceedings stated above. Since then Mr. C. L. Lobo acting as the lawyer of the said persons has been carrying on a systematic propaganda against the petitioners. The aforesaid resolution was moved by Mr. C. L. Lobo. The alleged facts set out in the said resolution as being the grounds for the passing of the resolution are not true. It is not correct that on account of the working of the factory the health of the residents in the area has in any way been affected. A memorial has been submitted by all the other families residing in the

locality excepting those stated above dissociating themselves from the facts stated in the said resolution, -- which would go to show that the resolution is only an - outcome of the organised effort on the part of a few of the interested persons.

11. Petitioners would further submit that the said resolution was moved in the council without including it in the agenda and when only about 15 persons were present and got passed immediately. The Municipal Council consists of only nominated members and no representations could be said to have been made by the accredited representative of the locality.

12. Petitioners are apprehensive that unless - immediate action is taken they will not be allowed to work the factory smoothly during the coming year. This year on account of the attitude taken by the opponents the petitioners had to close the factory for about five months and had to suffer considerable loss.

13. For exporting cashew kernels and oil to American petitioners have to enter into forward contracts now and unless they are reasonably assured that they would be - allowed to work the factory without any hindrance during the coming season they would not be in a position to -- commit themselves to any forward contracts, failure to comply with which would involve them in heavy loss. They will also have to enter into forward contracts now for the purchase of raw cashewnuts and this too carries with it heavy risk in case petitioners are hindred from working the factory.

14. Under the circumstances stated above we beg to submit that in the interests and cause of an important

industry of this Presidency which is a fruitful source of - export trade with outside countries including America, and in the interests of the several labourers that are dependant - upon this industry for their livelihood you may be pleased to take up this matter with the Government of Madras and prevent any action being taken to close the factory and give them the necessary protection for the coming year.

For which act of kindness the petitioners would ever remain grateful.

Yours obediently,
Mizar Krishna Annappa Pai & Co.
Partner

Copy to:- E. M. Gawne, C.S.I.C.I.E., I.C.S.,
IV Advisor, H.E. Governor of Madras,
Fort St. George, MADRAS.

Report to the Director of Public Health dated 4-10-45 on the defects pointed out by the Assistant Director of Public dated 28-5-45.

Item No.1:- A centrifugalising machine has been installed in the factory to extract the remnants of oil from the cashew shells after roasting. The chimney or outlet for fumes from the Cashew roasters is directly led into the oven so as to efficiently rush the irritating fumes and make them innocuous. An exhaust system is provided as to suck fumes and direct all the fumes emanating from the roaster to the furnace. The outlet from the oven is taken underground for a distance of about 15 feet and let out through a chimney made of iron pipe jointed one over the other and taken through the ceiling. The entire height of the chimney is about 45 feet. The above mentioned plant was approved by the Industrial Engineer as mentioned in his certificate of 15-6-45. A masonary chimney as required by the A.D.P.H. is not in existance.

Item No.2:- Shelling Section:- The Floor is cemented. Sufficient number of cemented trenches are provided. The walls are white-washed, the ceilings painted, height of walls 12 feet, floor area 14982 sq. ft., window space 1121 sq. ft., The existing floor will accommodate 416 persons according to Rule 11 (i) framed under Section 17 of Factories Act. Ventilating space required for 416 persons is 2080 sq. ft. The Section provides 1121 sq. ft. of ventilating space. Five ceiling fans are provided at convenient spaces.

Item No.3:- Drying Section:- The floor is kept clean and washed. Tl walls are lime washed and the wood work is painted. Existing four chimneys are about 38 ft. in height.

Item No.4:- Peeling Section:- Flooring is cemented and made impermeable. The walls are lime washed and the wood work is paint Floor area is 6120 sq. ft. Ventilating space is 765 sq. ft. The floor area can accommodate 170 persons and require 850 sq. ft. of ventilating space. But the factory provides only 765 sq. ft., of ventilating space.

Item No.5:- Packing and Tinning Section:- Flooring is cemented and walls white-washed. Receptacles for remnants of tin are provided. Floor area is 1596 sq. ft. and ventilating space is 175 sq. ft. Floor space will accommodate 44 persons who require ventilating space of 220 sq. ft.

A hood and ridge ventilator are provided over the oven in this department.

Item No.6:- Water Supply:- No additional bore wells are provided. The two existing permanent wells contain water to a height of about 20 ft. Diameter of wells is about 15 ft. Two overhead cisterns are provided with a capacity of 2500 gallons. Water is supplied by 6 taps from this cisterns.

Item No.7:- Provision for Midday meal: No arrangements are made.

Item No.8:- Woman Medical Officer:- I am given to understand that a part-time woman medical officer is going to be engaged. A creche tc accommodate 6 children with cradles is provided.

Item No.9:- Tiffin Rooms:- A tiffin shed with an area of 975 sq. ft. with a ventilating space of 139 sq. ft. is provided. The floor space is sufficient for 243 persons at 4 sq. ft. per head as suggested by A.D.P.H. Another shed is under constructions for the same purpose measuring 34 ft by 60 ft. and open all round.

Item No.10:- No septic tank latrines have been provided so far.

From

The Honorary Secretary,
The Kanara Chamber of Commerce,
Bunder, Mangalore.
(South Kanara Dt.)

11 DEC 1945

To

The Secretary to the Government of Madras,
Local Administration Department,
Fort St.George, M a d r a s.

8 - DEC 1945
GOVERNMENT OF MADRAS

Dated: 5th December, 1945.

S i r,

Viewing with alarm the action taken by the District Board of South Kanara and the Mangalore Municipality in the matter of the cashewnut industry in South Kanara, this Chamber approaches the Government to take necessary action in the said matter and places the following facts before it for its kind consideration.-

Cashew is a feature of the West Coast of India and South Kanara has been one of the heavy yielders. Originall the nuts grown in the district were consumed in the district itself. Consequently there was no incentive to plant cashe on large scale and cashewnuts were classed among "forest produce."

Having regard to the potentialities, some enterprising gentlemen started the industry of roasting, peeling and exporting cashewnuts on a scientific basis in or about 1921. America was the chief country to which nuts were exported an to do this improved process, like packing in vacuum or gas t were invented. Demand for raw cashew consequently improved and cashew nuts not only began to be extensively grown in South Kanara but nuts were also imported into this District from the adjoining districts of North Kanara and Malabar and also from South Africa.

For some years, Mangalore held the first place for thi am industry. Factories began to increase in number and with a short time there were about 8 factories providing work for about 7,000 people. It began to utilise the magnitude of the crop of raw cashewnuts and was the premier industry in South Kanara. Both the imports and exports of this district considerably increased. Cashewnut oil,a bye-product of th industry which was originally being neglected, subsequently began to get proper attention at the hands of the factory owners. Machinery to extract pure oil on a scientific basi was invented, perfected and patented. On account of the immense use to which the commodity could be put, it was classed among the essential foods during the last War. The industry helped to solve the problem of unemployment and during the period of keen economic depression that shortly followed the first World War, the cashew industry was mainl responsible for allaying the same to some extent in this district. Upto this date the industry feeds about 7,000 families in and around Mangalore.

The cashewnut factories,for obvious reasons, are situated in and around Mangalore. The produce of these -factories is mainly exported and several hands are neces to work in the factory. Economic considerations therefor compell the factories to be situated close to populated areas and by the side of a port. The total import of cas nuts into U.S.A.for the year 1943 from India was 40 mil pounds valued at several crores. The yield of the oil, properly encouraged, would be in the neighbourhood of 9 tons valued at about Rupees 4½ millions. Now due to l

of

of encouragement, most of the oil is wasted by working the nuts in a crude process.

It must be stated that the District Board and the Mangalore Municipality were freely granting licences to start and work the factories in the beginning. There were no bye-laws worth the name and none were enforced as to the prejudice of the industry. But lately the local bodies have been viewing the industry with considerable disfavour. The factories began to be closed down on account of the step-motherly treatment meeted out to them and new factories have not been started at all. Thus Mangalore which held the first place for some time has now fallen back, Travancore and Goa having marched ahead of it. In all these two places the industry gets considerable encouragement and help at the hands of the State and it is a matter of singular disappointment that Mangalore which is the only place in British India where this industry is carried on, on a large scale should not get the help it deserved from the local bodies. The following data will reveal the position of this industry as at present.-

In 1932 there were 8 factories in South Kanara and now there exists only 4 and in Quilon there were 6 factories in 1932 and now there it has increased to 90.

Though originally the nuts were being roasted in open pans and were giving out considerable smoke and bad smell, now roasting is being carried on by improved process and the fumes are absorbed or are burnt in the furnace. Other improvements are being devised to take of all the smell. Still under the cloak of enforcing the provisions of the Public Health Act, the District Board has been laying conditions such as 'working operations should not be carried on within 250 yards of any residential locality, that there should be double chimnies' and other restrictions which are impracticable and are not suited to the present day conditions of the industry. The Mangalore Municipality has not framed any bye-law uptodate but urges that health considerations require the closing down of the factories. It has already got closed the factory of "Aspinwal" and is turning its eyes on two other factories.

This kind of attitude on the part of the local bodies has the following effects.

1. It will throttle completely a lucration of trade and industry.

2. It will put over 7,000 people actually employed, out of employment, not to mention several other people that are employed as a consequence of this industry.

3. It will divert the exports from this District and also from British India.

4. It will hit very hard the agriculturists who were deriving very good price for their raw product.

5. It would be impossible to get back the industry if it is once lost.

6. It will upset the trade balance and bring serious repercussions in the financial adjustments of this district.

This Chamber views with alarm the serious consequence that would follow if timely aid and protection is not given to this industry and therefore prays that the Government will take necessary action in the said matter. It submits

that

that any bye-law or restrictions that are sought to be imposed by the District Board or the Municipality should be scrutinised by the Government, their practicability and utility seriously considered before they are sought to be enforced. No factory should be ordered to be closed down until all the ways and means are explored to see to its working without detriment to others. Unnecessary restrictions which have no practical utility but would financially work to the prejudice of the industry, should not be imposed. Transport facilities wherever possible should be given. These and various other ways and means to give practical help to the industry may be devised to put the same in sound basis.

The Chamber undertakes to co-operate with the Government in every way in the uplift of the said industry.

I have the honour to be,
S i r,
Yours obediently,
For The Kanara Chamber of Commerce,

Hon. Secretary

Copies to: (1) The II Adviser to H.E.The Governor of Madras.
(2) The Secretary to the Government of Madras, Public Works Department, Madras.
(3) The Director of Industries & Commerce, Madras.
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The cashewnut factories, for obvious reasons, are situated in and around Mangalore. The produce of these -factories is mainly exported and several hands are necessary to work in the factory. Economic considerations therefore compell the factories to be situated close to populated areas and by the side of a port. The total import of cashew-nuts into U.S.A. for the year 1943 from India was 40 million pounds valued at several crores. The yield of the oil, if properly encouraged, would be in the neighbourhood of 9,000 tons valued at about Rupees 4½ millions. Now due to lack

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of encouragement, most of the oil is wasted by working the nuts in a crude process.

It must be stated that the District Board and the Mangalore Municipality were freely granting licences to start and work the factories in the beginning. There were no bye-laws worth the name and none were enforced to the prejudice of the industry. But lately the local bodies have been viewing the industry with considerable disfavour. The factories began to be closed down on account of the step-motherly treatment meeted out to them and new factories have not been started at all. Thus Mangalore which held the first place for some time has now fallen back, Travancore and Goa having marched ahead of it. In all these two places the industry gets considerable encouragement and help at the hands of the State and it is a matter of singular disappointment that Mangalore which is the only place in British India where this industry is carried on, on a large scale should not get the help it deserved from the local bodies. The following data will reveal the position of this industry as at present.-

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ASST. SECRETARY TO GOVT. 1082 8 DEC 1945 PUBLIC WORKS DEPT.

From

The Honorary Secretary,
The Kanara Chamber of Commerce,
Bunder, Mangalore.
(South Kanara Dt.)

To

12 DEC 1945

The Secretary to the Government of Madras,
Local Administration Department,
Fort St.George, M a d r a s.

P.V.D

Edn & P.H. Dept.

Dated: 5th December, 1945.

Sir,

No.13082/45-1

56613

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4. It will hit very hard the agriculturists who were deriving very good price for their raw product.

5. It would be imposaible to get back the industry if it is once lost.

6. It will upset the trade balance and bring serious repercussions in the financial adjustments of this district.

This Chamber views with alarm the serious consequences that would follow if timely aid and protection is not given to this industry and therefore prays that the Government will take necessary action in the said matter.

that any bye-law or restrictions that are sought to be imposed by the District Board or the Municipality should be scrutinised by the Government, their practicability and utility seriously considered before they are sought to be enforced. No factory should be ordered to be closed down until all the ways and means are explored to see to its working without detriment to others. Unnecessary restrictions which have no practical utility but would financially work to the prejudice of the industry, should not be imposed. Transport facilities wherever possible should be given. These and various other ways and means to give practical help to the industry may be devised to put the same in sound basis.

The Chamber undertakes to co-operate with the Government in every way in the uplift of the said industry.

I have the honour to be,
S i r,
Yours obediently,
For The Kanara Chamber of Commerce,

Hon. Secretary

Copies to: (1) The II Adviser to H.E.The Governor of Madras.
(2) The Secretary to the Government of Madras, Public Works Department, Madras.
(3) The Director of Industries & Commerce, Madras.
(4) The Inspector of Municipal Councils & Local Boards, Madras.
(5) The Commissioner of Labour, Madras.
(6) The Southern India Chamber of Commerce, Madras.

297 H

Mangalore, 24th November '45.

To

1. The Secretary to Govt., Education & Public Health,
Fort St.Geroge, M a d r a s.
2. The Collector & District Magistrate, S.Kanara,
Mangalore
&
3. The Commissioner of Labour, Madras.

S i r s,

We, the humble residents of Bolur beg to place before your goodselves our grievances for your sympathetic consideration and early redress:-

We have repeatedly brought to the notice of Government the existence of nuisance caused to us by the irritating and pungeant cashew-nut smoke emanating from the factory of Messrs.Mizar Krishna Annappa Pai & Co., But as ill-luck would have it, all our efforts to get this nuisance stopped have proved futile.

The appeal against the orders of the Municipal Health Officer refusing to grant licence, filed by the Proprietors of the above factory was almost unanimously rejected by the Municipal Council on 14-11-1945 and the Council further resolved that the executive should take immediate steps to stop all burning operations in the factory. In spite of the above resolution and despite the Government orders in the matter and in defiance of the recommendations of Rao Bahadur Dr. Thirumaliah the owners are working the factory day and night in a spirit of defiance and vengeance and subjecting us to intolerable hardship.

Further, a fire accident took place in the premises of the above factory on the night of 15-10-45 and had it not been for the timely action taken by the Fire Service, the whole locality would have been set on conflagration.

Again, we have to bring to the notice of the authorities the alarming increase in mortality among the residents of the locality due to respiratory diseases, such as consumption, asthma, bronchitis etc., During the course of two years, more than 50 persons in the locality have succumbed to these fell diseases, and a large number are now actually suffering. There was a death even yesterday due to consumption close to the factory. A medical

examination of the workers in the above factory and its neighbourhood will reveal the gravity of the situation.

We are given to understand that since 22-11-45, Mr. Mizar Govind Pai, the Managing Partner of the above firm is taking thumb impressions and signatures of the workers on some petitions. One Dennis Pinto (son of Salu Pinto and tenant of Govinda Pai) recently in the local police department, but now an accused in a Criminal case is the leader of Govind Pai's gang, busy going about from house to house of workers and neighbours to force their thumb impressions to blank papers. We are at a loss to know the contents of the petitions and the idea underlying them. Govinda Pai is a rich and influential man and backed up by his community and the Councillors of his community, thinks that he can purchase anybody and everybody and flout all authority upon earth.

The Collector and the Government alone can save us from agony and destruction.

We therefore once more on bended knees beg leave to approach the Government for immediate relief by ordering the closure of the factory and save us from and our progency from the tortures of this 'Concentration Camp'.

We beg to remain,

S i r,

Your most obedient servants,

A Thimmappa

Abdulla

+ This Mark and L.T. imp of J. Segrera

A Thimmappa pandel

J. Lakshmanrao

A Miranda

Alice Dias

Anna mary Aranha

B. Lubaney

Le. Litia Sequeira

Lily Sequira

[illegible]

[illegible]

[illegible]

B. Rajappa

[illegible]

[illegible]

K. Sequeira

B Sequeira

J. D Souza

B.J S-Sequeira

P. P Sequeira

F. Sequeira

Mrs. Hilda Fernandes.

Nicholas J. Souza

[illegible]

B. Chandravathi

B. Kumuda

A. Sachidananda pandith

Pereira, Joachim Segueira, S/o. B. J. S. Segueira Bolar.
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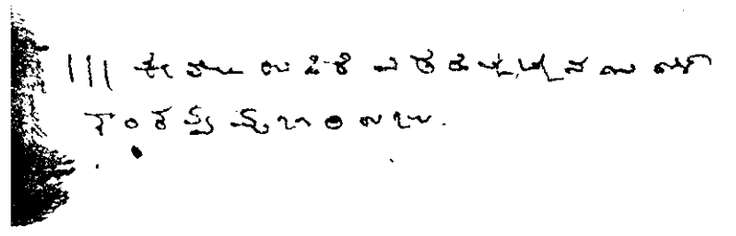


K. Keishnappa
N. Keshavamurthy
K. Narasimha

Mangalore,
Dated 15th Dec. '45.

301

- 2 -

From

C.L.Lobo, B.A., B.T.,
Vice-chairman,
Mangalore Municipality.

17 DEC 1945

To

C.O.Coorey Esquire, I.C.S.,
Deputy Secretary to Government,
Education & Public Health Department,
Government of Madras.

Sir,

Licence - Mangalore Municipality - Cashew-nut factory of Messrs. Mizar Krishna Annappa Pai & Co.

I am grateful to you for your kind reply dated 8-12-1945 (Letter No.30,040-A/45-18-Public Health) to my letter dated 4-12-45 on the above subject. I am sorry I did not date my letter.

Roasting of cashewnuts is being carried on wrecklessly and cashew shells are being freely used inspite of strict orders from Government, Municipal Council, Public Health Department, the Criminal Court and the Jury not to use cashewnut shells for any burning operations. The neighbourhood is filled with dark clouds of irritating smoke from morn till eve and sometimes during the night also. It would appear, the Inspector of Factories, Calicut, paid a surprise visit to the factory a couple of days ago and personally saw cashewnut shells being freely used for burning operations and when questioned by him, one of the propritors is reported to have said - "I don't care. I have influential people in Madras to help me". We have had instances of defiance but not defiance like this.

If at any stage, a personal discussion on the subject is found necessary, I shall be ready

P.T.O

302

to go to Madras. The Public and especially the suffering rate-payers of the neighbourhood of the factory look up to me for help and I am therefore determined to leave no stone unturned to see that justice is done in the matter and to obtain for them the relief they are rightly entitled to.

Your obedient servant,

303

MANGALORE,

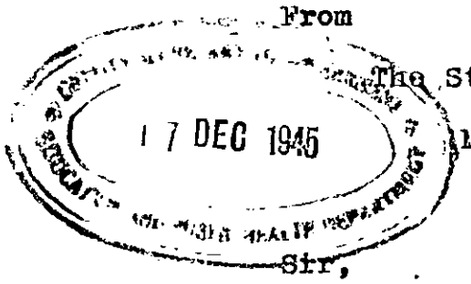
Dated 13th December, 1945.

To

The Secretary Public Health Department,

Fort St. George, MADRAS.

From



The Staff of the factory of

Mizar Krishna Annappa Pai & Co.,

Bolur, MANGALORE.

Sir,

57368

Sub: Resolution of Municipality - urging closure of the Cashewnut factory - Messrs. Mizar -- Krishna Annappa Pai & Co - Memorial of the staff.

* * * * *

We represent the members of the staff of the cashew-nut factory of Messrs. Mizar Krishna Annappa Pai & Co, Bolur, Mangalore. We have read the resolution of the Mangalore Municipal Council dated 14-11-1945 urging the closure of the aforesaid factory and wish to place the following few facts before the Government for its kind consideration and necessary action.

2. We have been working in Mizarkars' factory for the last over 15 years and have no grievance or cause to - complain about the treatment meted out to us by our -- employers. In addition to the agreed pay, during the - years the factory earned suffecient profits, we used to be given bonus which has extended up to three months - salary in a year. Apart from the members of the staff there are about a thousand labourers working in the -- factory. For over 15 years, since the inception of the factory in 1930, till the coming of the present Labour Conciliation Officer, and the propoganda started by Mr. C.L.Lobo, matters had been going on quite smoothly without any hitch or trouble.

3. Both the labour Conciliation Officer and Mr. C.L.Lobo had questioned us evidently thinking that we would have - complaints against the proprietors. Not getting from us the desired material the Labour Conciliation Officer seems to have made false reports drawing freely from his imagination and going beyond the scope of his duties. He seems to have said that the working of the factory is harmful - to the neighbours and that housing conditions of the factory are not congenial to the health of the workmen there. Both these statements are contrary to facts.

4. We beg to state that the housing conditions in the - factory are very satisfactory, and a report to that effect has recently been made by the Municipal Health Officer, -- Mangalore. The Inspector of Factories has been visiting the factory periodically and suggesting any necessary - - improvements, which were being immediately carried out. A report from him in these points would fully bear us out. Though the workers have been working in the factory for the prolonged period of about 15 years their health has not - been affected nor have they been afflicted with any lung - troubles, which effect would have followed if the allegations made regarding housing conditions were true. An inspection of the factory by any independant officer would expose the veracity of the statements made by the Labour Conciliation Officer.

5. We submit that the continuance of the factory in the locality would not cause any harm or inconvenience to the neighbours. There are a number of factories in the locality such as tile factories, bone crushing factories, chunam - factories etc. Further after the fetting up of devices to lead the fumes into the furnace, and the user of only fire-wood for burning operations the factory could not cause any harm to any of the neighbours. The neighbours, if at all, should have a grievance against the other factories.

6. We are also reliably informed that Mr. C.L.Lobo who is a lawyer practising in this place and who is - engaged by some of the interested persons of the - - locality is responsible for most of the trouble. He also happens to be the vice chairman of the Mangalore Municipal Council. Mr.Lobo believes in the tactics of sending repeated petitions couched in strong language and addressing them to several officials at the same time. Copies of the petitions are sent to the highest officials and the fact noted at the foot thereof with the sole idea of frightening the local Officials into taking the desired action. The local Officials are - afraid of him because the failure to take any action - would switch the current on against them - and naturally they would always like to avail such unpleasant situatic His propoganda against the former Health Officer and - the Municipal Commissioner who stood up against him are examples of such tactics. His petitions generally contain statements which are not true to facts, but they are dressed in a way calculated to appeal to the sense of justice and fairplay and it is only a close - - investigation into the facts that would disclose the - falsity thereof and the notice behind the same. A- -- confidential enquiry from the local officials would - amply bear us out.

7. We submit that the closureof the factory would mean the deprivations of livelihood toseveral of us who have been employed for a long time in the factory and would not be in a position now to seem employment in a fresh walk of life.

8. This year close upon a report made by the Labour Conciliation Officer Calicut on 12-5-1945, the factory was closed for a period of five months and was reopened

only on 10-10-1945. The factory owners consequently were put to serious loss and we have reason to believe that they would not be in a position to pay us our usual bonus for want of suffecient margin of profits. Then comes this - resolution and all the while, we the staff and workers of the Factory have not been consulted on the matter. This state of uncertainty would deter the factory owners from entering into the necessary forward contracts for the purchase and sale of cashewnuts and kernels for fear of not being in a position to fulfil the contracts in case they are not allowed a free hand in the working of the factory. It would result in the insecurity of our tenure of office and the practical starvation of several families that - - depended for their livelihood upon this factory.

9. In case the labour Conciliation Officer had taken down our statements before making any report all these facts - would have been apparent. He was in duty bound to do so instead of stating that some oral statements have been made by some persons who have no responsibility towards the -- staff or the labourers. The action of the said Officer has affected us prejudicially. He was bound to safe-guard only our interests towards that end he should have directed his activities. Instead of doing this he played into the -- hands of Mr. C. L. Lobo in utter disregard to our interests.

10. We are afraid that the said Officer will not hereafter be in a position to bring an open mind to bear upon the - situation. In case he is transferred from this circle, - Mr. Lobo would be deprived of a strong collaborator and we are certain that the need to enquire into many supposed urgent petitions will also be minimised and we would also be saved many an anxious hair that our existence will be precarious. In the interests of all concerned we pray that the said Officer may be transferred from this Circle and

action may be taken to see that the factory is not -- closed upon the supposed harm done to the residents of the locality without a full and true investigation into all the facts.

For which act of kindness We would always remain grateful.

Your obedient Servants,

Copies T o.-

1) Honourable T he Second Adviser,
To H .E. The Governor Of Ma dras,
Fort St. George, -MADRAS.

2) The Commissioner Of Labour,
Chepauk, MA DRAS.

3) T he Inspect or Of Fact ories,
VIII Th Circle, CALICUT.

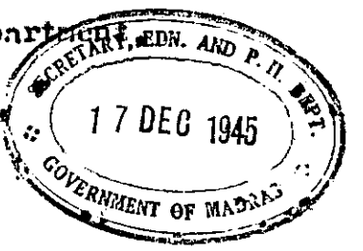
Ex P.W.

309.

MANGALORE,

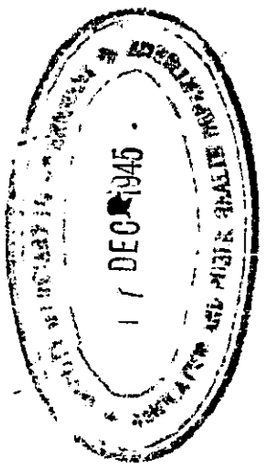
Dated 13th December, 1945.

The Secretary Public Health Department,
Fort St. George, MADRAS.



From

The Staff of the factory of
Mizar Krishna Annappa Pai & Co.,
Bolur, MANGALORE.



Sir,

Sub: Resolution of Municipality - urging closure of the Cashewnut factory - Messrs. Mizar Krishna Annappa Pai & Co - Memorial of the staff.

* * * * * *

5719

We represent the members of the staff of the cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co, Bolur, Mangalore. We have read the resolution of the Mangalore Municipal Council dated 14-11-1945 urging the closure of the aforesaid factory and wish to place the following few facts before the Government for its kind consideration and necessary action.

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For which act of kindness We would always remain grateful.

Your obedient servants,

Copies to:-

1) The Hon'ble The Second Adviser, to H.E.The Governor of Madra Fort St.George, Madras.

2) The Commissioner of Labour, Madras.

3) The Inspector of Factories, VIII Circle, C A L I C U T.

LICENCE - Mangalore Municipality - Cashewnut factory of Mizar Krishna Annappa Pai & Co. - Orders passed.

..

READ AGAIN:-
G.O.No.1622 P.H., DATED THE 19TH JUNE 1945.

READ ALSO:-
From the Municipal Commissioner, Mangalore No.L.4-647-44 letters dated 1-11-45; 16-11-45; 19-11-45 and 27-11-45.

From the Collector of South Kanara, Ref. No.4-11771-44, dated 27-11-45.

From the Director of Industries and Commerce, No.4736 A1-45, dated 23-11-45.

..

ORDER 3271 P.H., DATED 19-12-1945.

- -

In view of the improvements so far effected by the owners of the Mizar Krishna Annappa Pai & Company's Cashewnut Factory in their premises in pursuance of the final order passed by the Sub-Divisional Magistrate, Mangalore in No.33/45, dated the 24th August 1945, the Government consider that there is now no objection to the grant of a licence under Section 249 of the Madras District Municipalities Act, for the factory premises, subject to the usual conditions, the conditions mentioned in the Sub-Divisional Magistrate's order referred to above and additional suitable conditions to ensure that the following defects are rectified by the owners of the factory by the 31st March 1946, provided the Council is satisfied that there will be no nuisance or danger to public health from the working of the factory:-

Defects to be rectified before the 31st March 1946

(i) Increase of floor space and ventilation space for the number of workers actually employed in the shelling and peeling sections.

(ii) Increase in the height of the three chimneys in the drying section to not less than 45 feet.

(iii) Provision of separate latrines for the female employees in the drying section.

(iv) Provision of adequate water supply for the use of the workers.

(v) [illegible] section [illegible]

The District Magistrate should see that suitable action is taken under the Cr.P.C. against the owners of the Factory in case the Sub Divisional Magistrate's order dated the 24th August 1945 is violated.

2. The Municipal Commissioner may take action against the owners for having run the factory without a licence, if he is advised by the Council's legal advisers that a prosecution if launched, will be successful.

3. The Municipal Commissioner is requested to submit a report before the 15th February 1946, stating how far the defects referred to in para 1 above have been rectified.

To
The Municipal Commissioner
Mangalore, thro' Chairman
The Collr. of S. Kanara,
The Director of Pub. Health
The Inspr. of M.C.& L.Fs.
To the Director of I.& C.
The Commissioner of Labour

Extract

from Rev. P. Dt. No. R - 18870
Dtyg - 45 - 18 - dt 10 8/45

Memo

Mfg - Licence - Manufacture
Cashew nut factory at
Mizar Krishna Ayerappa Pai Co.

A Copy of the ADP Dt's inspection
notes is forwarded to the Coll:.
The Coll:. is requested to state
whether there is any objection
to the factory being licensed
Subject

subject to the Conditions mentioned by the Asst. Director.

WB
15.8.45

To

The Coll[r]. of
South Kanara
with a Copy
of the Asst
map re rd
& Copy
of G.O.
1622 P.
A/ 27 19

Note: Please see the Copy of the Coll[r]'s letter on pages 23-24 of. He also mentioned his in his remarks on the Mun[l] C[ttee]'s latest Administration Report. The Coll[r]'s remarks may be helpful.

WB
15.8.45

I'll compare the previous Resp[n] N[o]s with the present one & state how far the suggestions either former have or have not been carried out. ~~Hon~~ Cl. Notes

DS's views on the previous page –

(1) When Dr. Thirumalai inspected in last May he found that in the process of roasting the oil fumes and the dark smoke that came from the chimneys caused the most pungent and irritating smell.

Dr. Perumal however did not find that there was much smell or irritation from the fumes even when cashew nut shells were used as fuel for roasting. He is not able to say whether the improvement was due to any special arrangements for burning the oil fumes or to the slow working of the plant. Replacement of cashew nut by firewood is recommended for fuel.

(2) The shelling compartment was very insanitary according to Dr. Thirumalai who also stated that the roofing of the shed was low, accommodation quite inadequate and the workers were constantly inhaling the dust.

Dr Perumal's inspection showed that the owner had cemented portions of the shelling section & was getting the remaining portions also cemented; and that the number of workmen had been reduced

(3) In the Drying section Dr. Thirumalai's suggestion that the heights of the Chimneys should be raised has been carried out.

(4) As against the defects of Congestion, bad lighting, ventilation and flooring observed by Dr. Thirumalai in the Peeling section, only the heights of the Chimneys in that section has been increased according to Dr. Penmet.

(5) It is stated that some improvements have been made to the Chimneys in the drying & packing section. No other improvement can be noticed there as work had not gone on for some time.

(6) There is an improvement in regard to water supply for the workers.

(7) A properly floored & adequately ventilated new fitting room for the workers has been provided.

(8) No improvement whatsoever has been effected in the matter of latrine facilities. Flush-out latrines are suggested.

(9) No mention is made by Dr. Penmet of facilities for Medical

medical attendance or maternity relief

2. While it should be stated that improvement is observable only in the matter of flooring, height of the Chimneys, Water Supply & Sitting room facilities it may be recognized that the provision of other amenities will take some time. The use of fire wood for washing may improve the position to some extent, as also the reduction in the number of workers.

3. A petition since rec'd is added to the

Dr Thirumalaiah inspected the factory more a less by surprise and when it was working advisably. Dr Perumal had to have the factory worked specially for his observation except for 2 hours. It is quite evident that he could not get a good idea of the true state of affairs and is not at all sure of his facts as regards this great nuisance. He uses the words "considerable reduction in smoke coal fumes", "fumes & smoke were very much less than before", very little nuisance caused by fumes smoke

We are not interested in any half-way measures to reduce this nuisance, as Dr Perumal seems to think. Dr Thirumalaiah's suggestions were made with the object of eliminating the nuisance and it is not the case that these suggestions cannot be carried out fully. The words in (A) were that absence should be viewed only when all the defects had been rectified in the manner stated by Dr Thirumalaiah. These words seem quite clear and it is strange that Dr Perumal has not understood them and has tried to interpret them in every favourable to the said factory owners. This entire report shows undue leniency to these factory owners.

Compromise will the time once allowed for grants, refusal to grant has been made the are lot definitely at an hence until compromise are made, this will be made quickly though this is the time we have to take with these factory owners.

25-8-45

27/8/45

D. 5th Nov 55 (A)

who have, all this time, been flouting Authority and creating a public scandal in the town.

His recommendation ~~for the Factory~~ that the factory may now be allowed to work and need not be accepted. The Govt does not definitely recommend this. The Comm' may be asked to see that the licence is not issued until all the defects are rectified in the manner suggested by Dr T and not before.

As regards the fact on Pg-7 of which states therein seems to be reasonable. Since the factory is not working and since the orders issued by Govt in the matter will ensure that it will not commence working again, there is no point in continuing the proceedings instituted under §133 Cr.P.C.

6 — The ref may be sent to the D.M. with these remarks

y — He may be asked to state whether it is necessary to go on with the S.133 case & whether there is any objection being drafted. If there is none, he may take steps to have this done & report the matter to Govt.

For orders on x and 6 and 'y' above

27/8/45

I agree. A2

D. Personal inspection if

of little value

Two drafts are submitted for approval.

TEMPY. LDE. AND P. H. DEPT. 1 - SEP 1945 GOVERNMENT OF MADRAS

1 - SEP 1945

Memo No. 30040 A-H 45-5 P. & D. 3.9.45

Memo No. 30040 A-H-45-6 R. & D. 3.9.45

From the Mun. Comm. Mangalore No. M2 9004-45-D. 2.9.45

Pp. 95-96 ref.

Attention is invited to the Comm.'s letter on pages 3-4 ~~of~~ and the memo on page 7 ~~of~~.

2. The petition on pages 61 to 63 ~~of~~ raises the question as to whether the owner of the Cashewnut factory should be prosecuted for the offence of having run the factory without a licence under Sec 249. (for the years 1943-44 & 1944-45) The petitioners state - and the Comm. corroborates the statement - that they applied for a licence for the year 1943-44 and 1944-45 and paid the necessary fees. If they have not been granted licence for the year in question, the responsibility for the non-possession of a licence seems to be that of the Comm. and of the D. & P. H., and not of the petitioners. No prohibitory order seems to have been served on the petitioners. There is doubtful whether in the circumstances a prosecution will stand for the offence of using the place without a licence.

11

(10)

It is for orders whether the Comm[r] may be asked to withdraw the prosecution.

As regards the offence in respect of 1942-43, the Dt 13[D] is the Authority from whom the licence should have been applied for. No factor seems perhaps necessary in the matter at this distance of time.

For orders.

(After orders are issued on the question of prosecution, the case may be sent to Dy D for personal attention with ref[ce] to the linked file) (dislinked)

7.9.45

The orders to prosecute were passed at f 57 of the Comm[rs] letter at f 57 of (A) but the factory was working without a licence during 44-45 & 45-46. Even in his letter at f 54 of, the Comm[r] did not report the full facts as he has done at f 95 of.

2 The petitioner's case at f 61-63 of is that § 321 (1) of the Act applies to this case. As regards 43-44, the Comm[rs] report at para 4 at f 95 of shows that it cannot be said that the factory ran without a licence.

3 As for 44-45, the case is different, I think. The aff[t]

---

for the renewal of the licence was made on 25/8/1944 through the period of the licence under Sec 95(2), aff[t] should have been made not later than 1/3 Nov. commenced on 1/10/1944. Between 1/10/1944 & 25/8/1944, the factory was obviously running without a licence. On this renewal aff[t], orders were passed (presumably within a month) that the question of granting a licence would be considered after the DPI's rep[ts] were read. Hence orders were communicated & the proviso to § 321 (1) cannot operate in his favour.

H

As regards 45-46, perhaps § 321(a) will apply, as orders were not passed on the renewal applⁿ.

As there will be a case for prosecution as regards 1944-1945, .. I think we may leave the matter to the trial Court & refuse to reconsider the order for prosecution passed on 1.4.44.

legal magpee before circ.

8/9/45

Legal

LEGAL DEPARTMENT.

PHUO No. 3004(A) H/45 - S.P.H dated 11-9-45.

5349

The legal position stated in the above note of the Deputy Secretary, E.& P.H. is correct.

24/9/45 S. M

24-9-45 E & P.H

P.I.

Legal No 5349-1

24-9-45

& 5279

Draft for circulation.

27 SEP 1945

25/9/45

Please see the DS's note from the previous page - A draft memo as at K above is submitted for approval -

26.9.45

26/9/45

I am not sure that P 7 C4 A2 needed - is a correct sequel to P 1 C4. — as I read X & P1. with DS's p. Speak. 27.9.45

Prosecution to be withdrawn. 27.9.45

Orders on the previous page — The draft memo below is for approval.

27/9/45

27/9/45

(Ag.) Secy. PWD

[Issued as Memo. No. 30040(A) H/45-9 P.H dated 29.9.45]

43197

SP H vo No. 30040(A) H/45-10 P.H dated 28-9-45

UNDER SECRETARY TO GOVERNMENT
29 SEP 1945
9043
PUBLIC WORKS DEPARTMENT

P.W. Dept.

To D.S.

The case relates to the closure of the cashewnut factory of Messrs. Mizar Krishna Annappa Pai Co. at Mangalore due to the nuisance caused by the noxious fumes produced by the factory. The file has been sent to this dept. with reference to A on page 9 abpve. Necessary extracts from the file have been taken ~~for~~ and added ~~adding~~ to this dept. file. The file may now be returned to Edn & P.H. They may also be requested to send copies of G.O. No. 1622, P.H., dated 19-6-45 and of their O.M. at pages 77-78 c.f. to the Director of Industries and Commerce with reference to his letter at page 113 c.f. for his information.

* ordt. sub-h

Hp. 21 92 c.f. of (U)

P.W. 2-G-9043-A/45-1

6-10-45

8 - U.T. Press

Ltd 861

From the Comm^r Mangalore Dist^t
No. R.O.C. C4-9478-44 dt
12.10.45

The Commissioner has reported that the proprietors of the Cashew-nut factory have appealed to the Municipal Council against the M.H.O's order refusing a licence under S. 249 for the factory and that the appeal is still pending with the Council. If the Council decides to grant the licence and if Government are satisfied that the improvements suggested by Dr. Thomas have not yet been effected, the Council's Res^n can be cancelled under Sec 36(1)(c) of the D.M. Act even without a notice. The Comm^r may be asked to submit a copy of the Council's proceedings on the appeal, immediately the Council comes to a decision in the matter.

Vide order on pages 27-28 C

18/12/45

2. In the meantime the factory has according to the Comm^r's report on pages 211-212 C started work even though the licence has been refused and the appeal against the order of refusal is still pending. If this is a fact, the factory owners are liable for prosecution and the Comm^r is asked to initiate these proceedings if clearly in order. The Comm^r may be informed accordingly

Write note to Dr. Thomas with VII

18/12/45

accordingly.

8c 3. It may be mentioned in this connection that the MO's report on pages 221-222 seems to contain evidence of further improvements e.g. installation of a centrifugalizing machine of the provision of an exhauster. Whether the DPH may be asked to inspect & report, with ref to the MO's letter, to Commander, let the HO inspect the factory & enquire and report on the foll. points contained in the ADPH's report d 28/5/45:-

DPH need only see all the way to Mangalore for this

18/6/45

Item 1. Does the nuisance from the smoke still exist and yes, to what degree?

Item 2. How many persons were working in the shelling Section & what is their strength as workers according to the records, & any left in the mill?

Item 3. Is the existing height of the chimneys in the drying section adequate? What is the fuel used? Is it firewood? If this cashewshells, are there proper flues to eliminate nuisance?

Item 4. Same as item 2 for peeling section.

Item 5. Does for packing & sorting section. Also x above.

Item 6. What was the depth of the water in the wells & date given? Was it of good quality? How many gallons of water were there in the 2 overhead cisterns? How is the water supplied to these cisterns & is a capacity of 25000 gals sufficient for the total strength of workers?

Item 7. What is stage of construction of the 2nd tiffin shed?

To (Maybe sent a card cover addressed to the Commr by name & a reply asked for within 7 days).

A draft memo

Submitted for approval

18/6/45

18/6/45

18/6/45

Further action on ref to Comm's letter d 28/5/45 since received will be taken after ...

Education & P.H.(H) Department.

Memorandum No.30040-4.H.45.P.H. dated 19-10-1945.

From the Commr. Mangalore Mty., No.Roc.C.4-9478-44 dated 26-10-1945.

...

Attention is invited to the memorandum on pages 229-23 c.f. The Council has not yet disposed of the appeal from the factory owners. The receipt of the Council's resolution may be awaited.

2. The Commissioner, after an inspection (by himself) of the factor by himself and the Health Officer, has submitted a report on the points in paragraph 3 of the memorandum. The Commissioner answers to those points are noted on below:-

(i) Nuisance from smoke is much mitigated as the oven is fed mostly by firewood and only occasionally by the centrifugalised cashew shells. There is evidence to show that the fuel used is mostly firewood. The nuisance seems to be much less now though it is seen that some nuisance is inevitable. It would appear from the report that the factors responsible for the smoke nuisance have been satisfactorily dealt with;

(ii) The number of persons working in the shelling section on the date of inspection .. 583

The number of such persons according to the records. .. .. .. 500 to 600

(iii) Of the four chimneys in the drying section only one is 45 feet high and the height of the other three is less. In the Commissioner's opinion the height of these three chimneys also may be raised to 45 feet. This work may be ordered to be carried out.

(iv) The fuel used in this section is mostly firewood, but cashew shells are used only occasionally. The Commissioner considers that no cashew shells should be used as fuel in this section until an apparatus is fitted to burn off the fumes and smoke.

(iv) The number of persons (women) actually working in the peeling section on the date of inspection ..315

p.t.o.

The number of women employed as shown by the records. .. 300 on the average.

(v) No information can be given of the tinning and packing section as the section was not working. It is stated that about half a dozen people are working in the section. It was represented, that only firewood was being and would be used;

p-23 ?

We need not bother about this any more now.

(vi) The depth of water ~~was 30 feet and 38 feet~~ (was 13 ft and 28 ft) in the two wells. The water which is stated to be of good quality is pumped from the wells to the overhead cisterns. The capacity of 2,500 gallons for the cisterns is reported to be sufficient. It is also stated that there are a number of water coolers of 15 gallons capacity kept at various places in the factory.

p-237/1 ?

p. 237/f

(vii) It is seen that the 2nd tiffin shed is making progress.

3. It would appear from the Commissioner's report, that improvements have been effected in the factory after Dr. Thirumaliah's inspection in May last. In view of this it is for consideration whether orders may be issued that there is no objection to the factory being licenced subject to a condition, inter alia, that the remaining improvements, e.g. raising the height of the Chimneys should be effected within a period of 3 months.

Vide below

4. It is also for consideration whether before passing orders the Collector may be consulted in the matter.

Does not seem to be necessary

5. P.W.D., may see for remarks, if any.

6. With reference to the D.D.C's reminder on page 233 /f a draft memo is submitted for approval—

Govt's order were that all the defects pointed out by Dr Thirumalaiah were rectified by the Co., the Mfl authorities should not grant a licence. Dr Perumal's inspection report showed that only a few other defects had been rectified. He recommended that the licence might be issued subject to the condition that further improvements were made later. The D.P.H. supported this recommendation and the Coll agreed. Govt. however decided that all the defects should be rectified

11, 2 /f
(A)/51-58/f
167-71/f
X

2.11.45.

[illegible] before the licence was granted.

[229-231] On 12/10/[illegible] the Comm[r] reported the extent to [221-222] which further progress had been made as regards rectification of defects. He found it exactly to what extent there was likely to be nuisance, and however improvements had progressed, an order was issued [229-231] to him asking him to inspect the factory & report on specific points contained in [235-240] Dr Thirumalaiah's report. His reply shows that the foll. defects still exist:-

(1) The Shelling and Peeling Sections require more floor space for the number of workers employed in them, eg.

Section	Floor-space available for	No employed	Ventilation Fans Inadequate even for the existing floor-space.
Peeling	170	315	
Shelling	416	583	

(2) Drying Section. Three of the 4 existing chimneys should be raised to a height of 45 ft.

There is no apparatus for burning off the Cashew shell fumes or the nuisance thereby occasioned. (There is such an apparatus in the roasting section).

(3) Water Supply. The pumps were only [illegible] and there was no water in the overhead cisterns.

(4) Latrines. No refuse bucket latrines have been built.

It seems that always no. of defects have already been rectified.

X or [130] In view of the recommendations of the DPH & Dept [113, 114] and the report received that closing of the factory has not taken effect & taken resulted labour, Govt may now decide that a licence may be issued up to 31/3/[illegible] subject to the usual and [illegible] additional conds to ensure that the defects mentioned above are rectified before 31/3/[illegible]

It has been reported that the factory authorities filed an appeal to the Cl: against the order of the Executive [2] authority refusing a licence and before orders were passed, commenced working the factory from 10/10/[illegible]

The appeal has not yet been disposed of and
the Commissioner has taken no decision to proceed with the authorities.
MWD may see before [illegible]

[illegible] P.W. Dept.

Ed P.H.W.O
3004 dtd 11-1
7-11-45

The previous note of this dept. is on page ~~first page~~ 11 above.

~~2. The fifteen notes on pages 12 to 15 above may be perused and the case returned to Edn. & P.H.~~

ASST. SECRETARY TO GOVERNOR
7 NOV 1945
A 9713
PUBLIC HEALTH DEPARTMENT

P.S. 9-11-45

2. In August 1945 an Assistant Director of Public Health inspected the factory and ~~reported~~ suggested pp 67-71 cf. that license may be granted to the factory to work and six months' time allowed to make A on p. 76 cf. necessary improvements. The D.P.H. recommended his p. 65 cf. sugestion and the C.L. also supported this recommen- p. 81 cf. dation. The Govt. did not then accept the recom- pp. 77-78 cf. mendation. Now the Commissioner of the municipality pp. 235-37 cf. has reported that some improvements have since been A on p. 16 alone effected and Edn. & P.H. propose that a license may be ~~XXXXXXX~~ issued up to 31-3-1946 subject to the condition that all defects are rectified before 31-3-1946. This dept. may perhaps agree to the proposal and the file returned to Edn. & P.H. A4 also may see the file in circulation.

P.S. 10-11-45 10-11-45

This neighbourhood does not seem to feel the nuisance from fumes. From 2 on p. 239 cf it is however clear that the workers in the factory must suffer in health though conditions have improved greatly. But many trades & industries expose the workers in them to disease or sickness peculiar to the conditions of the industry. Provided suitable medical attention is provided & suitably compensation where necessary for temporary & permanent disabilities are needed I do not object to this proposal. Presumably wax

X

19 HB

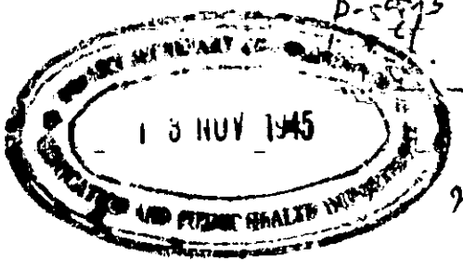
H

[illegible]

M/MGS E. PH

P.G. 9713-A/45-1
12.11.45

From The Municipal Commissioner, Mangalore No. C4-9478-44- Dt 1.11.45



5173/4 p-14 ante

~~S~~ Notes from page 14 ante may be read-

"It is for orders whether in view of the improvements which have been effected in the factory after Dr. Thirumaliah's inspection in last May, and for the reasons at C on the previous page the Council may be permitted to licence the factory subject to the conditions suggested at A in the DS's note-

Y. | If licence is to be granted for the year 1945-46, the question of launching prosecutions against the proprietor of the factory will not perhaps arise and no legal point concerning that question (Vide Commissioner's letter on pages 243-244 ante) need be considered - for orders.

I think this may now be dropped. Y above affd. 16/11/45

X and P.17 ante is a matter for the Factory Inspectorate and can be taken up later, in consultation with PWD. No conditions in the licence (to be issued) as regards this point are necessary. For orders whether Ys above may be affirmed.

16/11/45

A2

A..

20

Noted 18 ante - and the telegram received from the Addl. Comm^r. Before Govt. pass any orders, we may perhaps call for an urgent report from the Coll^r on the points raised in the telegram. Orders

Gde
17/11/45

Yes
A2
Thy 18/11/45

17/11

I remember the factory from the days when I was Collr. The area was outside the municipal limits then. In Mangalore beneath the surface of earth-strata are deposits of the finest Kankar vs Chunkam and Gypsum. Hence the 200 word telegram which bears a grind all of extortionate rates to the Govt. The telegraph service unnecessarily

It is, I think, my recollection that the well known method of washing earthen kunchi is responsible for earthen and Gypsum. I accept the proposal to ask the Collr. provided it is not by telegram.

Andhra Memo is submitted for approval

Gde
20/11/45

20/11/45

Memo No. 30040/A-H3/14-1 dt 21-11-45 from Collector of Malabar, Calicut to Mangalore No. 5478/44 dt 16.11.45 & 18.11.45 and Bellary No. 16739/45-33 dt 13-11-45

The telegram from Chairman, Municipality, Mangalore to Govt. referred to in the Collr's telegram of 13-11-45 has been referred to the Collr. for remarks which may be awaited

Memo sent on 24/11/45 to me D.O.

Thy 30.11.45 The interim reply below to 1.4/3 is approved -

Gde
23.11.40

Gde
23/11/45

SECRETARY, LOCAL AND P.H. DEPT. GOVERNMENT OF MADRAS
20 NOV 1945

with, unless they are held to be illegal or their exercise of the powers conferred by the Council by law. It is not known what basis there is in the allegation at M on p. 333 of that the subject in question was not included in the agenda for the meeting. It is for orders whether a report may be called for urgently on this point.

4. The Collector in his report on page 324 of supports the Council's action. His opinion is that on account of the factory, there is an "avoidable suffering" to the public. Unless therefore the resolution is held to be illegal, after enquiries, ~~it does not appear that there~~ in which case the resolution can be cancelled by Govt under Sec 36 (1) of the D&C Act, ~~there~~ it does not appear that there is any case for interference with reference to the provisions of this Act.

I don't think we need entertain with this Coll's resolution.
CC
5/12/45

Yes.
CC
5/12/45

5. It is stated that the factory employs about 1000 labourers some of whom have sent up to Govt a mahazar pointing out that the closure of the factory would threaten the deprivation of their means of livelihood.

p. 25 & C

See also p 338-3 in separate file.

PWD may offer remarks whether any action is called for under the Factories Act.

They have already sent a note on this
CC
5/12/45

The Coll's letter complicates matters a bit -

4.12.45

From Municipal Commr Telegram
Dated 27th Nov 1945

Please see the telegrams p. 318
ante. It is decided to reply to him
submitted for approval.

28/11/45

28/11/45

320 ante [D.O. No. 300/40 A-45-17 of 28-11-45]
From Collector of South Kanara
to 324-328 ante No. 11771-45 Dt 27-11-45

Please see the orders on the previous page.

The enquiries so far made show that the proprietors of the factory have made some improvements to the factory premises and done something to mitigate the smoke nuisance. As observed in the note on p. 16 ante a number of defects have yet to be rectified. However, it was considered that there might be no objection to allowing the factory to be licensed subject to conditions as at Annexure p. 16 ante.

It did seem however that the Municipal Council has in its proceedings dt. 14-11-45 rejected the appeal preferred presented to it by the factory against the D.O. orders refusing licence for the factory premises. It does not appear that these proceedings can be interfered with.

Strangely enough they have attended to the more important subject ones. 16 ante 28/11/45

Refer 255 & 257 ante

(under Sec 249 of D.L. Act)

this really of little use to Sort in deciding the issue here. Instead of expressing an independent opinion based on a personal inspection of the area, he has drawn inferences from the Comm[rs] report to Sort. Sort. therefore, still have no dependable opinion on the question of fact, whether there is so much nuisance as to make it necessary that, in the interests of p. health, the factory should remain closed. The Council has expressed an opinion on this fact by ~~refusing~~ rejecting the appeal against the Comm[rs] order refusing the licence - but this is not an unbiased and impartial opinion. (As see M[r]'s minute on p 19 ante)

Fin[l] of

M. see the order on f 105 to 106 of. which is the S.O.M's order under § 133 C.A.C. The jury appointed by the S.O.M. (which may be presumed to have been an impartial one) has found that the factory might start working subject to certain conditions. In view of this verdict I think the proposal at A on the same page ~~should be~~ may be accepted.

In view, however, of the Council's resolution and the Cll[rs] letter, Sort may say that they have now objection to the issue of the licence, ~~at~~ etc, provided the Council is satisfied that there ~~is~~ will be no nuisance or danger to public health from the working of the factory. This kind of reserve order is necessary as the Sort: have no statutory power in the matter of issue of such a ~~licence~~ licence and can interfere only if there is a danger to public health or if the Council does something illegal or in excess of its powers. An order is necessary at this stage in continuation of the order on f 1, 2 of action the Comm[rs] not to renew the licence, till defects were rectified.

As regards the working of the factory without the requisite licence, the Hlth Council has to take action. If any of the conditions of the § 133 order are violated, the D[t] Magis can take action. They

may be informed of this. Fr orders.

5/12/45

Chandrasekhara
A2 ✓
A4

I agree with DS.
The Coll. might well have inspected the factory himself

6/12/45

SECRETARY, EDN. AND P. H. DEPT.
8 - DEC 1945
GOVERNMENT OF MADRAS

I agree.
Actually such a factory is now uneconomical as the oil from the nut is wasted. But the machinery for extracting the oil by roasting the nuts in oil enclosed in a cylinder is a patent of Peirce Leslie.

6/12/45

A draft order is submitted for approval. As regards the question of prosecutions for [illegible] the factory without a licence, attention is invited to the Commr's letter on pages 243-244 of the Municipal Standing Council seems to be of the opinion that the failure to pass final orders on the application for the licence within 3 days of its receipt (vide Sec 321 (11) of the D.M. Act) is an unfavourable point for the prosecution. The application for the licence was belated, and the point made by the Standing Council seems to

to be arguable - However in view of the doubt felt, the Comm.r may as well be left to take ~~taken~~ action on the basis of the advice of the Council's legal advisers; and no definite instructions from Govt. seem to be necessary on this point. Para 2 of the draft order is for orders —

Affd 11/12/45

After this, action will separately be taken in respect of the Comm.r's & H.O's defaults in the matter of the past years' licences — Mayer may after perusal ~~Legal~~ R Legal.

Dir 11/2 11/12/45

Legal 11/12/45

Legal.

H.
No 30040A/45-H —19.P.H
Dated 11/12/45

LEGAL DEPARTMENT.

Seen in Legal.

17 DEC 1945

11/12/45 - 5 PK 14-12-45 — S of P#(H)

ASSISTANT SECRETARY I
12 DEC 1945
Legal Department.

C.A.V.
Legal 0765-71
16-12-45

C.S. — Petitions from the Hony. Secy, Kanana Chamber of Commerce, Mahazar from the Public, Staff of the Parliament Secretariat

57320.

The further representations received on the subject have been added to the file. Petitions have been submitted both for and against the closure of the Cashew nut factory. The draft order put up below is in accordance with the

note

notes and orders on pages 22-23 ante.

Mr Lobo, the Municipal Vice-Chairman who is the protagonist of the opposition to the factory some time ago sought an interview with the Secretary, but he was informed that he need not trouble to come down all the way as orders on the subject would be ready soon. By his letter of the 15th Dec.r Mr Lobo has again suggested personal discussion. As Mr Lobo's views are known to be partisan, it is doubtful whether any discussion with him will be helpful for a solution of the question. — No reply need perhaps be sent to him — The point is for orders —

I agree
18/12/45.

The letter from Kanara Chamber of Commerce which is against the closure of the factory, though stresses the importance of the Cashew nut industry and the need for encouraging it. Cn the petition from the staff of the factory A2 has minuted as follows "I asked Collector to go and see the factory himself" Apparently A2 spoke to the Coll.r personally on this point, and if this presumption is correct, it is likely that hereafter a report will again be received from him — for orders

This is important but the Health persons know all about it & more important matter has to be left to the local authorities.
18/12

p-32

in connection with

SECRETARIAT, LEGISLATIVE & P. H. DEPARTMENT GOVERNMENT OF MADRAS 19 DEC 1945

RECEIVED IN THE OFFICE OF THE COMMISSIONER OF LABOUR 19 DEC 1945

as to the issue of the draft order —

The draft may issue. Govt cannot anticipate any of the objections and the matter has to be left to the local authorities.

18/12/45

18/12/45 (spoke to Coll.r)

A2
19/12/45